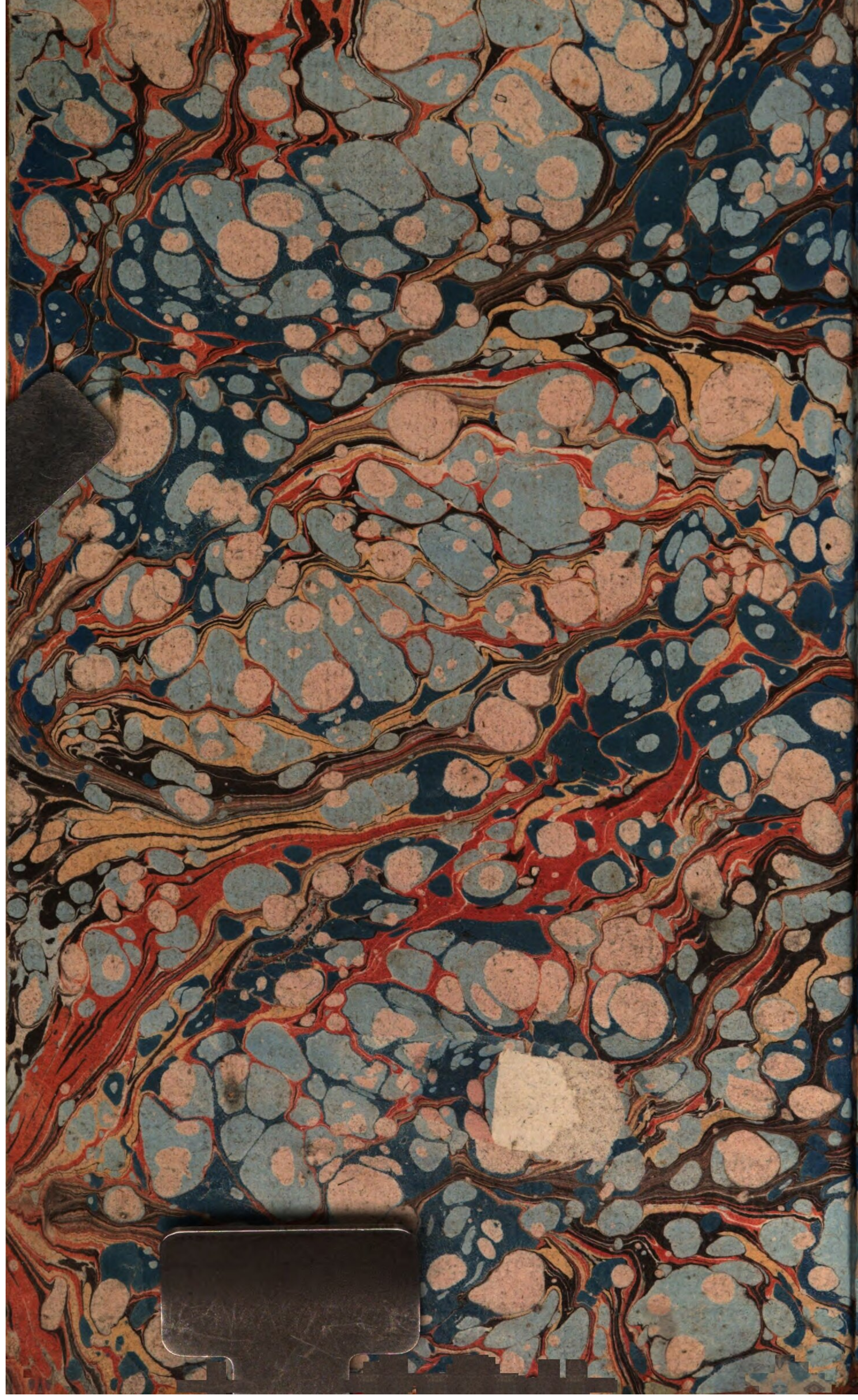
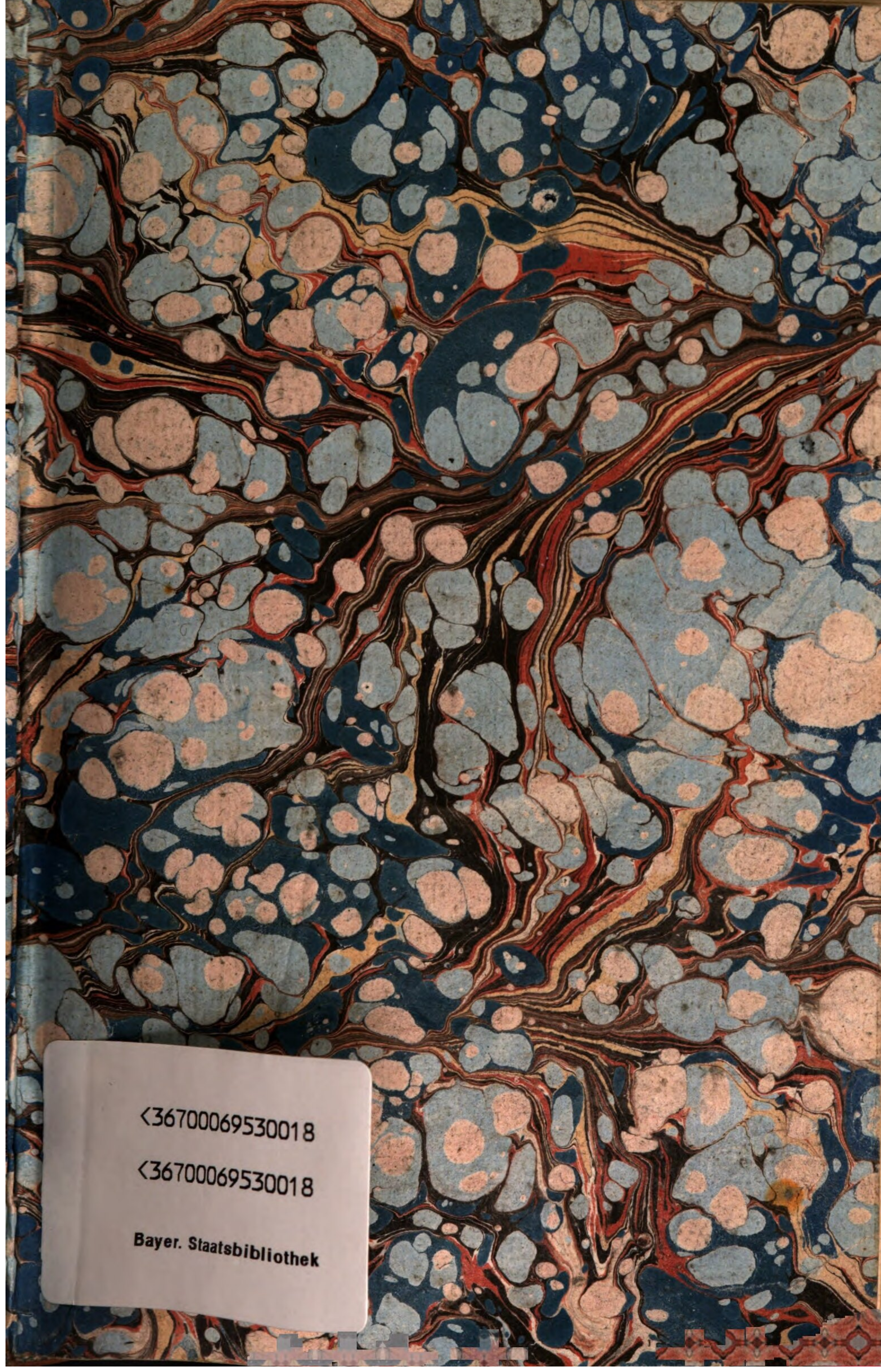






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THE
HISTORY
OF THE
DECLINE AND FALL
OF THE
ROMAN EMPIRE.

By EDWARD GIBBON, Esq;

VOLUME THE EIGHTH.

A NEW EDITION.

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Idea of the Roman Jurisprudence. — The Laws of the Kings. — The Twelve Tables of the Decemvirs. — The Laws of the People. — The Decrees of the Senate. — The Edicts of the Magistrates and Emperors. — Authority of the Civilians. — Code, Pandects, Novels, and Institutes of Justinian. — I. Rights of Persons. — II. Rights of Things. — III. Private Injuries and Actions. — IV. Crimes and Punishments.

THE vain titles of the victories of Justinian are crumbled into dust: but the name of the legislator is inscribed on a fair and everlasting monument. Under his reign, and by his care, the civil jurisprudence was digested in the immortal

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XLIV.

The civil or
Roman law.

2 THE DECLINE AND FALL

C H A P.
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works of the CODE, the PANDECTS, and the INSTITUTES¹: the public reason of the Romans has been silently or studiously transfused into the domestic institutions of Europe², and the laws of Justinian still command the respect or obedience of independent nations. Wise or fortunate is the prince who connects his own reputation with the honour and interest of a perpetual order of men. The defence of their founder is the first cause, which in every age has exercised the zeal and industry of the civilians. They piously commemorate his virtues; dissemble or deny his failings; and fiercely chastise the guilt or folly of the rebels, who presume to sully the majesty of the purple. The idolatry of love has provoked, as it usually happens, the rancour of opposition; the character of Justinian has been exposed to the blind vehemence of flattery and invective, and the injustice of a sect (the *Anti-Tribonians*) has refused all praise and merit to the prince, his ministers, and his laws³. Attached to no party, interested only for the truth and candour of history, and directed by the most temperate and skilful guides⁴, I enter with just diffidence on the subject of civil law, which has exhausted so many learned lives, and clothed the walls of such spacious libraries. In a single, if possible, in a short chapter, I shall trace the Roman jurisprudence from Romulus to Justinian⁵, appreciate the labours of that emperor, and pause to contemplate the principles of a science so important to the peace and happiness of society. The laws

OF THE ROMAN EMPIRE. 3

of a nation form the most instructive portion of its history; and, although I have devoted myself to write the annals of a declining monarchy, I shall embrace the occasion to breathe the pure and invigorating air of the republic.

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The primitive government of Rome⁶ was composed, with some political skill, of an elective king, a council of nobles, and a general assembly of the people. War and religion were administered by the supreme magistrate; and he alone proposed the laws, which were debated in the senate, and finally ratified or rejected by a majority of votes in the thirty *curiæ* or parishes of the city. Romulus, Numa, and Servius Tullius, are celebrated as the most ancient legislators; and each of them claims his peculiar part in the threefold division of jurisprudence⁷. The laws of marriage, the education of children, and the authority of parents, which may seem to draw their origin from *nature* itself, are ascribed to the untutored wisdom of Romulus. The law of *nations* and of religious worship, which Numa introduced, was derived from his nocturnal converse with the nymph Egeria. The *civil* law is attributed to the experience of Servius: he balanced the rights and fortunes of the seven classes of citizens; and guarded, by fifty new regulations, the observance of contracts and the punishment of crimes. The state, which he had inclined towards a democracy, was changed by the last Tarquin into lawless despotism; and when the kingly office was abolished, the patricians engrossed the benefits

Laws of the
kings of
Rome.

4 THE DECLINE AND FALL

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of freedom. The royal laws became odious or obsolete; the mysterious deposit was silently preserved by the priests and nobles; and, at the end of sixty years, the citizens of Rome still complained that they were ruled by the arbitrary sentence of the magistrates. Yet the positive institutions of the kings had blended themselves with the public and private manners of the city; some fragments of that venerable jurisprudence⁸ were compiled by the diligence of antiquarians⁹, and above twenty texts still speak the rudeness of the Pelasgic idiom of the Latins¹⁰.

The twelve
tables of the
Decemvirs.

I shall not repeat the well-known story of the Decemvirs¹¹, who sullied by their actions the honour of inscribing on brass, or wood, or ivory, the TWELVE TABLES of the Roman laws¹². They were dictated by the rigid and jealous spirit of an aristocracy which had yielded with reluctance to the just demands of the people. But the substance of the twelve tables was adapted to the state of the city; and the Romans had emerged from barbarism, since they were capable of studying and embracing the institutions of their more enlightened neighbours. A wise Ephesian was driven by envy from his native country: before he could reach the shores of Latium, he had observed the various forms of human nature and civil society; he imparted his knowledge to the legislators of Rome, and a statue was erected in the forum to the perpetual memory of Hermodorus¹³. The names and divisions of the copper-money, the sole coin of the infant state, were of Dorian origin¹⁴: the harvests of Campania and Sicily relieved the wants

of a people whose agriculture was often interrupted by war and faction; and since the trade was established¹⁵, the deputies who sailed from the Tyber, might return from the same harbours with a more precious cargo of political wisdom. The colonies of Great Greece had transported and improved the arts of their mother-country. Cumæ and Rhegium, Crotona and Tarentum, Agrigentum and Syracuse, were in the rank of the most flourishing cities. The disciples of Pythagoras applied philosophy to the use of government; the unwritten laws of Charondas accepted the aid of poetry and music¹⁶, and Zaleucus framed the republic of the Locrians, which stood without alteration above two hundred years¹⁷. From a similar motive of national pride, both Livy and Dionysius are willing to believe, that the deputies of Rome visited Athens under the wise and splendid administration of Pericles; and the laws of Solon were transfused into the twelve tables. If such an embassy had indeed been received from the Barbarians of Hesperia, the Roman name would have been familiar to the Greeks before the reign of Alexander¹⁸; and the faintest evidence would have been explored and celebrated by the curiosity of succeeding times. But the Athenian monuments are silent; nor will it seem credible that the patricians should undertake a long and perilous navigation to copy the purest model of a democracy. In the comparison of the tables of Solon with those of the Decemvirs, some casual resemblance may be found: some rules which nature and reason have revealed to every society; some proofs of a common descent from Egypt

6 THE DECLINE AND FALL

CHAPTER XLIV. or Phœnicia¹⁹. But in all the great lines of public and private jurisprudence, the legislators of Rome and Athens appear to be strangers or adverse to each other.

Their character and influence.

Whatever might be the origin or the merit of the twelve tables²⁰, they obtained among the Romans that blind and partial reverence which the lawyers of every country delight to bestow on their municipal institutions. The study is recommended by Cicero²¹ as equally pleasant and instructive. "They amuse the mind by the remembrance
" of old words and the portrait of ancient manners :
" they inculcate the soundest principles of govern-
" ment and morals; and I am not afraid to affirm,
" that the brief composition of the Decemvirs
" surpasses in genuine value the libraries of Grecian
" philosophy." How admirable, " says Tully ",
with honest or affected prejudice, " is the wisdom
" of our ancestors. We alone are the masters
" of civil prudence, and our superiority is
" the more conspicuous, if we deign to cast our
" eyes on the rude and almost ridiculous
" jurisprudence of Dracon, of Solon, and of
" Lycurgus." The twelve tables were committed to the memory of the young and the meditation of the old; they were transcribed and illustrated with learned diligence: they had escaped the flames of the Gauls, they subsisted in the age of Justinian, and their subsequent loss has been imperfectly restored by the labours of modern critics²². But although these venerable monuments were considered as the rule of right, and the fountain of justice²³, they were overwhelmed by the weight and variety of new

laws, which, at the end of five centuries, became a grievance more intolerable than the vices of the city ²⁴. Three thousand brass plates, the acts of the senate and people, were deposited in the Capitol ²⁵: and some of the acts, as the Julian law against extortion, surpassed the number of an hundred chapters ²⁶. The Decemvirs had neglected to import the sanction of Zaleucus, which so long maintained the integrity of his republic. A Locrian who proposed any new law, stood forth in the assembly of the people with a cord round his neck, and if the law was rejected, the innovator was instantly strangled.

The Decemvirs had been named, and their tables were approved by an assembly of the *centuries*, in which riches preponderated against numbers. To the first class of Romans, the proprietors of one hundred thousand pounds of copper ²⁷, ninety-eight votes were assigned, and only ninety-five were left for the six inferior classes, distributed according to their substance by the artful policy of Servius. But the tribunes soon established a more specious and popular maxim, that every citizen has an equal right to enact the laws which he is bound to obey. Instead of the *centuries*, they convened the *tribes*; and the patricians, after an impotent struggle, submitted to the decrees of an assembly, in which their votes were confounded with those of the meanest plebeians. Yet as long as the tribes successively passed over narrow *bridges* ²⁸, and gave their voices aloud, the conduct of

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XLIV

Laws of the
people.

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XLIV.

each citizen was exposed to the eyes and ears of his friends and countrymen. The insolvent debtor consulted the wishes of his creditor; the client would have blushed to oppose the views of his patron: the general was followed by his veterans, and the aspect of a grave magistrate was a living lesson to the multitude. A new method of secret ballot abolished the influence of fear and shame, of honour and interest, and the abuse of freedom accelerated the progress of anarchy and despotism²⁹. The Romans had aspired to be equal; they were levelled by the equality of servitude; and the dictates of Augustus were patiently ratified by the formal consent of the tribes or centuries. Once, and once only, he experienced a sincere and strenuous opposition. His subjects had resigned all political liberty; they defended the freedom of domestic life. A law which enforced the obligation, and strengthened the bonds of marriage, was clamorously rejected; Propertius, in the arms of Delia, applauded the victory of licentious love; and the project of reform was suspended till a new and more tractable generation had arisen in the world³⁰. Such an example was not necessary to instruct a prudent usurper of the mischief of popular assemblies; and their abolition, which Augustus had silently prepared, was accomplished without resistance, and almost without notice, on the accession of his successor³¹. Sixty thousand plebeian legislators, whom numbers made formidable, and poverty secure, were supplanted by six hundred senators, who

held their honours, their fortunes, and their lives, by the clemency of the emperor. The loss of executive power was alleviated by the gift of legislative authority; and Ulpian might assert, after the practice of two hundred years, that the decrees of the senate obtained the force and validity of laws. In the times of freedom, the resolves of the people had often been dictated by the passion or error of the moment: the Cornelian, Pompeian, and Julian laws, were adapted by a single hand to the prevailing disorders: but the senate, under the reign of the Cæsars, was composed of magistrates and lawyers, and in questions of private jurisprudence, the integrity of their judgment was seldom perverted by fear or interest ³².

The silence or ambiguity of the laws, was supplied by the occasional EDICTS of those magistrates who were invested with the *honours* of the state ³³. This ancient prerogative of the Roman kings, was transferred, in their respective offices, to the consuls and dictators, the censores and prætors; and a similar right was assumed by the tribunes of the people, the ediles, and the proconsuls. At Rome, and in the provinces, the duties of the subject, and the intentions of the governor, were proclaimed, and the civil jurisprudence was reformed by the annual edicts of the supreme judge, the prætor of the city. As soon as he ascended his tribunal, he announced by the voice of the cryer, and afterwards inscribed on a white wall, the rules which he proposed

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Decrees of
the senate.Edicts of the
prætors.

CHAP. XLIV. to follow in the decision of doubtful cases, and the relief which his equity would afford from the precise rigour of ancient statutes. A principle of discretion more congenial to monarchy was introduced into the republic: the art of respecting the name, and eluding the efficacy, of the laws, was improved by successive prætors; subtleties and fictions were invented to defeat the plainest meaning of the Decemvirs, and where the end was salutary, the means were frequently absurd. The secret or probable wish of the dead was suffered to prevail over the order of succession and the forms of testaments; and the claimant, who was excluded from the character of heir, accepted with equal pleasure from an indulgent prætor the possession of the goods of his late kinsman or benefactor. In the redress of private wrongs, compensations and fines were substituted to the obsolete rigour of the twelve tables; time and space were annihilated by fanciful suppositions; and the plea of youth, or fraud, or violence, annulled the obligation, or excused the performance, of an inconvenient contract. A jurisdiction thus vague and arbitrary was exposed to the most dangerous abuse: the substance, as well as the form of justice, were often sacrificed to the prejudices of virtue, the bias of laudable affection, and the grosser seductions of interest or resentment. But the errors or vices of each prætor expired with his annual office; such maxims alone as had been approved by reason and practice were copied by succeeding

judges; the rule of proceeding was defined by the solution of new cases; and the temptations of injustice were removed by the Cornelian law, which compelled the prætor of the year to adhere to the letter and spirit of his first proclamation³⁴. It was reserved for the curiosity and learning of Hadrian, to accomplish the design which had been conceived by the genius of Cæsar; and the prætorship of Salvius Julian, an eminent lawyer, was immortalized by the composition of the PERPETUAL EDICT. This well-digested code was ratified by the emperor and the senate, the long divorce of law and equity was at length reconciled; and, instead of the twelve tables, the perpetual edict was fixed as the invariable standard of civil jurisprudence³⁵.

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The perpe-
tual edict.

From Augustus to Trajan, the modest Cæsars were content to promulgate their edicts in the various characters of a Roman magistrate: and, in the decrees of the senate, the *epistles* and *orations* of the prince were respectfully inserted. Hadrian³⁶ appears to have been the first who assumed, without disguise, the plenitude of legislative power. And this innovation, so agreeable to his active mind, was countenanced by the patience of the times, and his long absence from the seat of government. The same policy was embraced by succeeding monarchs, and, according to the harsh metaphor of Tertullian, “the gloomy and intricate forest of ancient laws was cleared away by the axe of royal mandates and constitutions³⁷.” During four centuries, from

Constitutions
of the em-
perors.

CHAP. XLIV. Hadrian to Justinian, the public and private jurisprudence was moulded by the will of the sovereign; and few institutions, either human or divine, were permitted to stand on their former basis. The origin of Imperial legislation was concealed by the darkness of ages and the terrors of armed despotism; and a double fiction was propagated by the servility, or perhaps the ignorance, of the civilians who basked in the sunshine of the Roman and Byzantine courts. 1. To the prayer of the ancient Cæsars, the people or the senate had sometimes granted a personal exemption from the obligation and penalty of particular statutes; and each indulgence was an act of jurisdiction exercised by the republic over the first of her citizens. His humble privilege was at length transformed into the prerogative of a tyrant and the Latin expression of “released from the laws³⁸,” was supposed to exalt the emperor above *all* human restraints, and to leave his conscience and reason as the sacred measure of his conduct. 2. A similar dependance was implied in the decrees of the senate, which, in every reign, defined the titles and powers of an elective magistrate. But it was not before the ideas, and even the language, of the Romans had been corrupted, that a *royal law*³⁹, and an irrevocable gift of the people, were created by the fancy of Ulpian, or more probably of Tribonian himself⁴⁰; and the origin of Imperial power, though false in fact, and slavish in its consequence, was supported on a principle of freedom and justice. “The

“pleasure of the emperor has the vigour and
 “effect of law, since the Roman people, by the
 “royal law, have transferred to their prince the
 “full extent of their own power and sove-
 “reignty ⁴¹.” The will of a single man, of a
 child perhaps, was allowed to prevail over the
 wisdom of ages and the inclinations of millions;
 and the degenerate Greeks were proud to declare,
 that in his hands alone the arbitrary exercise of
 legislation could be safely deposited. “What in-
 “terest or passion,” exclaims Theophilus in the
 court of Justinian, “can reach the calm and sub-
 “lime elevation of the monarch? he is already
 “master of the lives and fortunes of his subjects;
 “and those who have incurred his displeasure,
 “are already numbered with the dead ⁴².”
 Disdaining the language of flattery, the historian
 may confess, that in questions of private juris-
 prudence, the absolute sovereign of a great em-
 pire can seldom be influenced by any personal
 considerations. Virtue, or even reason, will sug-
 gest to his impartial mind, that he is the guar-
 dian of peace and equity, and that the interest of
 society is inseparably connected with his own.
 Under the weakest and most vicious reign, the
 seat of justice was filled by the wisdom and inte-
 grity of Papinian and Ulpian ⁴³; and the purest
 materials of the Code and Pandects are inscribed
 with the names of Caracalla and his ministers ⁴⁴.
 The tyrant of Rome was sometimes the benefactor
 of the provinces. A dagger terminated the crimes
 of Domitian; but the prudence of Nerva con-

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Their legisla-
tive power.

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Their re-
scripts.

firmed his acts, which, in the joy of their deliverance, had been rescinded by an indignant senate ⁴⁵. Yet in the *rescripts* ⁴⁶, replies to the consultations of the magistrates, the wisest of princes might be deceived by a partial exposition of the case. And this abuse, which placed their hasty decisions on the same level with mature and deliberate acts of legislation, was ineffectually condemned by the sense and example of Trajan. The *rescripts* of the emperor his *grants* and *decrees*, his *edicts* and *pragmatic sanctions*, were subscribed in purple ink ⁴⁷, and transmitted to the provinces as general or special laws, which the magistrates were bound to execute, and the people to obey. But as their number continually multiplied, the rule of obedience became each day more doubtful and obscure, till the will of the sovereign was fixed and ascertained in the Gregorian, the Hermogenian, and the Theodosian codes. The two first, of which some fragments have escaped, were framed by two private lawyers, to preserve the constitutions of the Pagan emperors from Hadrian to Constantine. The third, which is still extant, was digested in sixteen books by the order of the younger Theodosius, to consecrate the laws of the Christian princes from Constantine to his own reign. But the three codes obtained an equal authority in the tribunals; and any act which was not included in the sacred deposit, might be disregarded by the judge as spurious or obsolete ⁴⁸.

Forms of the
Roman law.

Among savage nations, the want of letters is imperfectly supplied by the use of visible signs,

which awaken attention, and perpetuate the remembrance of any public or private transaction. The jurisprudence of the first Romans exhibited the scenes of a pantomime; the words were adapted to the gestures, and the slightest error or neglect in the *forms* of proceeding, was sufficient to annul the *substance* of the fairest claim. The communion of the marriage-life was denoted by the necessary elements of fire and water ⁴⁹: and the divorced wife resigned the bunch of keys, by the delivery of which, she had been invested with the government of the family. The manumission of a son, or a slave, was performed by turning him round with a gentle blow on the cheek: a work was prohibited by the casting of a stone; prescription was interrupted by the breaking of a branch; the clenched fist was the symbol of a pledge or deposit; the right hand was the gift of faith and confidence. The indenture of covenants was a broken straw; weights and scales were introduced into every payment, and the heir who accepted a testament, was sometimes obliged to snap his fingers, to cast away his garments, and to leap and dance with real or affected transport ⁵⁰. If a citizen pursued any stolen goods into a neighbour's house, he concealed his nakedness with a linen towel, and hid his face with a mask or bason, lest he should encounter the eyes of a virgin or a matron ⁵¹. In a civil action, the plaintiff touched the ear of his witness, seized his reluctant adversary by the neck, and implored, in solemn lamentation, the aid of his fellow-

CHAP. citizens. The two competitors grasped each other's
 XLIV. hand as if they stood prepared for combat before
 the tribunal of the prætor: he commanded them
 to produce the object of the dispute; they went,
 they returned with measured steps, and a clod
 of earth was cast at his feet to represent the
 field for which they contended. This occult
 science of the words and actions of law, was the
 inheritance of the pontiffs and patricians. Like
 the Chaldean astrologers, they announced to their
 clients the days of business and repose; these im-
 portant trifles were interwoven with the religion
 of Numa; and, after the publication of the twelve
 tables, the Roman people was still enslaved by
 the ignorance of judicial proceedings. The treach-
 ery of some plebeian officers at length revealed
 the profitable mystery: in a more enlightened age,
 the legal actions were derided and observed; and
 the same antiquity which sanctified the practice,
 obliterated the use and meaning, of this primitive
 language⁵².

Succession of
 the civil
 lawyers.

A more liberal art was cultivated, however,
 by the sages of Rome, who, in a stricter sense,
 may be considered as the authors of the civil law.
 The alteration of the idiom and manners of the
 Romans, rendered the style of the twelve tables
 less familiar to each rising generation, and the
 doubtful passages were imperfectly explained by
 the study of legal antiquarians. To define the
 ambiguities, to circumscribe the latitude, to apply
 the principles, to extend the consequences, to
 reconcile the real or apparent contradictions, was

a much nobler and more important task; and the province of legislation was silently invaded by the expounders of ancient statutes. Their subtle interpretations concurred with the equity of the prætor, to reform the tyranny of the darker ages: however strange or intricate the means, it was the aim of artificial jurisprudence to restore the simple dictates of nature and reason, and the skill of private citizens was usefully employed to undermine the public institutions of their country. The revolution of almost one thousand years, from the twelve tables to the reign of Justinian, may be divided into three periods almost equal in duration, and distinguished from each other by the mode of instruction and the character of the civilians⁵³. Pride and ignorance contributed, during the first period, to confine within narrow limits the science of the Roman law. On the public days of market or assembly, the masters of the art were seen walking in the forum, ready to impart the needful advice to the meanest of their fellow-citizens, from whose votes, on a future occasion, they might solicit a grateful return. As their years and honours encreased, they seated themselves at home on a chair or throne, to expect with patient gravity the visits of their clients, who at the dawn of day, from the town and country, began to thunder at their door. The duties of social life, and the incidents of judicial proceeding, were the ordinary subject of these consultations, and the verbal or written opinion of the

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The first pe-
riod,
A. U. C.
303—648.

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C H A P. *jurisconsults* was framed according to the rules of
 XLIV. prudence and law. The youths of their own order and family were permitted to listen; their children enjoyed the benefit of more private lessons, and the Mucian race was long renowned for the hereditary knowledge of the civil law.

Second pe-
 riod,
 A. U. C.
 648—938.

The second period, the learned and splendid age of jurisprudence, may be extended from the birth of Cicero to the reign of Severus Alexander. A system was formed, schools were instituted, books were composed, and both the living and the dead became subservient to the instruction of the student. The *tripartite* of Ælius Pætus, surnamed Catus, or the Cunning, was preserved as the oldest work of jurisprudence. Cato the censor derived some additional fame from his legal studies, and those of his son: the kindred appellation of Mucius Scævola was illustrated by three sages of the law; but the perfection of the science was ascribed to Servius Sulpicius their disciple, and the friend of Tully; and the long succession, which shone with equal lustre under the republic and under the Cæsars, is finally closed by the respectable characters of Papinian, of Paul, and of Ulpian. Their names, and the various titles of their productions, have been minutely preserved, and the example of Labeo may suggest some idea of their diligence and fecundity. That eminent lawyer of the Augustan age, divided the year between the city and country, between business and composition; and four hundred books are enumerated as the fruit of his retire-

ment. Of the collections of his rival Capito, the two hundred and fifty-ninth book is expressly quoted ; and few teachers could deliver their opinions in less than a century of volumes. In the third period, between the reigns of Alexander and Justinian, the oracles of jurisprudence were almost mute. The measure of curiosity had been filled: the throne was occupied by tyrants and Barbarians; the active spirits were diverted by religious disputes, and the professors of Rome, Constantinople, and Berytus, were humbly content to repeat the lessons of their more enlightened predecessors. From the slow advances and rapid decay of these legal studies, it may be inferred, that they require a state of peace and refinement. From the multitude of voluminous civilians who fill the intermediate space, it is evident, that such studies may be pursued, and such works may be performed, with a common share of judgment, experience, and industry. The genius of Cicero and Virgil was more sensibly felt, as each revolving age had been found incapable of producing a similar or a second: but the most eminent teachers of the law were assured of leaving disciples equal or superior to themselves in merit and reputation.

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Third period,
A. U. C.
988—1230.

The jurisprudence which had been grossly adapted to the wants of the first Romans, was polished and improved in the seventh century of the city, by the alliance of Grecian philosophy. The Sævolas had been taught by use and ex-

Their philo-
sophy.

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perience ; but Servius Sulpicius was the first civilian who established his art on a certain and general theory ⁵⁴. For the discernment of truth and falsehood, he applied, as an infallible rule, the logic of Aristotle and the stoics, reduced particular cases to general principles, and diffused over the shapeless mass, the light of order and eloquence. Cicero, his contemporary and friend, declined the reputation of a professed lawyer; but the jurisprudence of his country was adorned by his incomparable genius, which converts into gold every object that it touches. After the example of Plato, he composed a republic; and, for the use of his republic, a treatise of laws; in which he labours to deduce from a celestial origin, the wisdom and justice of the Roman constitution. The whole universe, according to his sublime hypothesis, forms one immense commonwealth: gods and men, who participate of the same essence, are members of the same community; reason prescribes the law of nature and nations; and all positive institutions, however modified by accident or custom, are drawn from the rule of right, which the Deity has inscribed on every virtuous mind. From these philosophical mysteries, he mildly excludes the sceptics who refuse to believe, and the epicureans who are unwilling to act. The latter disdain the care of the republic; he advises them to slumber in their shady gardens. But he humbly intreats that the new academy would be silent, since her bold objections would too soon

destroy the fair and well-ordered structure of his lofty system ⁵⁵. Plato, Aristotle, and Zeno, he represents as the only teachers who arm and instruct a citizen for the duties of social life. Of these, the armour of the stoics ⁵⁶ was found to be of the firmest temper; and it was chiefly worn, both for use and ornament, in the schools of jurisprudence. From the portico, the Roman civilians learned to live, to reason, and to die: but they imbibed in some degree the prejudices of the sect; the love of paradox, the pertinacious habits of dispute, and a minute attachment to words and verbal distinctions. The superiority of *form* to *matter*, was introduced to ascertain the right of property: and the equality of crimes is countenanced by an opinion of Trebatius ⁵⁷, that he who touches the ear, touches the whole body; and that he who steals from an heap of corn, or an hoghead of wine, is guilty of the entire theft ⁵⁸.

Arms, eloquence, and the study of the civil law, promoted a citizen to the honours of the Roman state; and the three professions were sometimes more conspicuous by their union in the same character. In the composition of the edict, a learned prætor gave a sanction and preference to his private sentiments: the opinion of a censor, or a consul, was entertained with respect; and a doubtful interpretation of the laws might be supported by the virtues or triumphs of the civilian. The patrician arts were long protected by the veil of mystery; and

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C H A P. XLIV. in more enlightened times, the freedom of enquiry established the general principles of jurisprudence. Subtle and intricate cases were elucidated by the disputes of the forum: rules, axioms, and definitions⁵⁹, were admitted as the genuine dictates of reason; and the consent of the legal professors was interwoven into the practice of the tribunals. But these interpreters could neither enact nor execute the laws of the republic; and the judges might disregard the authority of the Scævolas themselves, which was often overthrown by the eloquence or sophistry of an ingenious pleader⁶⁰. Augustus and Tiberius were the first to adopt, as an useful engine, the science of the civilians; and their servile labours accommodated the old system to the spirit and views of despotism. Under the fair pretence of securing the dignity of the art, the privilege of subscribing legal and valid opinions was confined to the sages of senatorian or equestrian rank, who had been previously approved by the judgment of the prince; and this monopoly prevailed, till Hadrian restored the freedom of the profession to every citizen conscious of his abilities and knowledge. The discretion of the prætor was now governed by the lessons of his teachers; the judges were enjoined to obey the comment as well as the text of the law; and the use of codicils was a memorable innovation, which Augustus ratified by the advice of the civilians⁶¹.

See also.

The most absolute mandate could only require that the judges should agree with the civilians, if the

civilians agreed among themselves. But positive institutions are often the result of custom and prejudice; laws and language are ambiguous and arbitrary; where reason is incapable of pronouncing, the love of argument is inflamed by the envy of rivals, the vanity of masters, the blind attachment of their disciples; and the Roman jurisprudence was divided by the once famous sects of the *Proculians* and *Sabinians* ⁶². Two sages of the law, Ateius Capito and Antistius Labeo ⁶³, adorned the peace of the Augustan age: the former distinguished by the favour of his sovereign; the latter more illustrious by his contempt of that favour, and his stern though harmless opposition to the tyrant of Rome. Their legal studies were influenced by the various colours of their temper and principles. Labeo was attached to the form of the old republic; his rival embraced the more profitable substance of the rising monarchy. But the disposition of a courtier is tame and submissive; and Capito seldom presumed to deviate from the sentiments, or at least from the words, of his predecessors: while the bold republican pursued his independent ideas without fear of paradox or innovations. The freedom of Labeo was enslaved, however, by the rigour of his own conclusions, and he decided according to the letter of the law, the same questions which his indulgent competitor resolved with a latitude of equity more suitable to the common sense and feelings of mankind. If a fair exchange had been substituted to the payment of money, Capito still considered

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the transaction as a legal sale ⁶⁴; and he consulted nature for the age of puberty, without confining his definition to the precise period of twelve or fourteen years ⁶⁵. This opposition of sentiments was propagated in the writings and lessons of the two founders; the schools of Capito and Labeo maintained their inveterate conflict from the age of Augustus to that of Hadrian ⁶⁶; and the two sects derived their appellations from Sabinus and Proculus, their most celebrated teachers. The names of *Cassians* and *Pegasians* were likewise applied to the same parties; but, by a strange reverse, the popular cause was in the hands of Pegasus ⁶⁷, a timid slave of Domitian, while the favourite of the Cæsars was represented by Cassius ⁶⁸, who gloried in his descent from the patriot assassin. By the perpetual edict, the controversies of the sects were in a great measure determined. For that important work, the emperor Hadrian preferred the chief of the Sabinians: the friends of monarchy prevailed; but the moderation of Salvius Julian insensibly reconciled the victors and the vanquished. Like the contemporary philosophers, the lawyers of the age of the Antonines disclaimed the authority of a master, and adopted from every system the most probable doctrines ⁶⁹. But their writings would have been less voluminous, had their choice been more unanimous. The conscience of the judge was perplexed by the number and weight of discordant testimonies, and every sentence that his passion or interest might pronounce, was justified by the sanction of some

venerable name. An indulgent edict of the younger Theodosius excused him from the labour of comparing and weighing their arguments. Five civilians, Caius, Papinian, Paul, Ulpian, and Modestinus, were established as the oracles of jurisprudence: a majority was decisive; but if their opinions were equally divided, a casting vote was ascribed to the superior wisdom of Papinian⁷⁰.

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When Justinian ascended the throne, the reformation of the Roman jurisprudence was an arduous but indispensable task. In the space of ten centuries, the infinite variety of laws and legal opinions had filled many thousand volumes, which no fortune could purchase and no capacity could digest. Books could not easily be found; and the judges, poor in the midst of riches, were reduced to the exercise of their illiterate discretion. The subjects of the Greek provinces were ignorant of the language that disposed of their lives and properties; and the *barbarous* dialect of the Latins was imperfectly studied in the academies of Berytus and Constantinople. As an Illyrian soldier, that idiom was familiar to the infancy of Justinian; his youth had been instructed by the lessons of jurisprudence, and his Imperial choice selected the most learned civilians of the East, to labour with their sovereign in the work of reformation⁷¹. The theory of professors was assisted by the practice of advocates and the experience of magistrates; and the whole undertaking was animated by the spirit of Tribonian⁷². This extraordinary man, the object of so

Reformation
of the Ro-
man law by
Justinian,
A. D. 527,
&c.

Tribonian,

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A D.

527—546.

much praise and censure, was a native of Side in Pamphylia; and his genius, like that of Bacon, embraced, as his own, all the business and knowledge of the age. Tribonian composed, both in prose and verse, on a strange diversity of curious and abstruse subjects⁷³: a double panegyric of Justinian and the life of the philosopher Theodotus; the nature of happiness and the duties of government; Homer's catalogue and the four and twenty sorts of metre; the astronomical canon of Ptolemy; the changes of the months; the houses of the planets; and the harmonic system of the world. To the literature of Greece he added the use of the Latin tongue; the Roman civilians were deposited in his library and in his mind; and he most assiduously cultivated those arts which opened the road of wealth and preferment. From the bar of the prætorian præfects, he raised himself to the honours of quæstor, of consul, and of master of the offices: the council of Justinian listened to his eloquence and wisdom, and envy was mitigated by the gentleness and affability of his manners. The reproaches of impiety and avarice have stained the virtues or the reputation of Tribonian. In a bigotted and persecuting court, the principal minister was accused of a secret aversion to the Christian faith, and was supposed to entertain the sentiments of an Atheist and a Pagan, which have been imputed, inconsistently enough, to the last philosophers of Greece. His avarice was more clearly proved and more sensibly felt. If he were swayed by gifts in the administration of

justice, the example of Bacon will again occur; nor can the merit of Tribonian atone for his baseness, if he degraded the sanctity of his profession; and if laws were every day enacted, modified, or repealed, for the base consideration of his private emolument. In the sedition of Constantinople, his removal was granted to the clamours, perhaps to the just indignation, of the people: but the quæstor was speedily restored, and, till the hour of his death, he possessed; above twenty years, the favour and confidence of the emperor. His passive and dutiful submission has been honoured with the praise of Justinian himself, whose vanity was incapable of discerning how often that submission degenerated into the grossest adulation. Tribonian adored the virtues of his gracious master: the earth was unworthy of such a prince; and he affected a pious fear, that Justinian, like Elijah or Romulus, would be snatched into the air, and translated alive to the mansions of celestial glory⁷⁴.

If Cæsar had atchieved the reformation of the Roman law, his creative genius, enlightened by reflection and study, would have given to the world a pure and original system of jurisprudence. Whatever flattery might suggest, the emperor of the East was afraid to establish his private judgment as the standard of equity: in the possession of legislative power, he borrowed the aid of time and opinion; and his laborious compilations are guarded by the sages and legisla-

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The Code of
Justinian,
A. D. 528,
February 13;
A. D. 529,
April 7.

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tors of past times. Instead of a statue cast in a simple mould by the hand of an artist, the works of Justinian represent a tessellated pavement of antique and costly, but too often of incoherent fragments. In the first year of his reign, he directed the faithful Tribonian, and nine learned associates, to revise the ordinances of his predecessors, as they were contained, since the time of Hadrian, in the Gregorian, Hermogenian, and Theodosian codes; to purge the errors and contradictions, to retrench whatever was obsolete or superfluous, and to select the wise and salutary laws best adapted to the practice of the tribunals and the use of his subjects. The work was accomplished in fourteen months; and the twelve books or *tables*, which the new decemvirs produced, might be designed to imitate the labours of their Roman predecessors. The new CODE of Justinian was honoured with his name, and confirmed by his royal signature: authentic transcripts were multiplied by the pens of notaries and scribes; they were transmitted to the magistrates of the European, the Asiatic, and afterwards the African provinces: and the law of the empire was proclaimed on solemn festivals at the doors of churches. A more arduous operation was still behind: to extract the spirit of jurisprudence from the decisions and conjectures, the questions and disputes of the Roman civilians. Seventeen lawyers, with Tribonian at their head, were appointed by the emperor to exercise an absolute jurisdiction over the works of their predecessors. If they

The Pandects
or Digest,
A. D. 530,
Dec. 15;
A. D. 533,
Dec. 16.

had obeyed his commands in ten years, Justinian would have been satisfied with their diligence; and the rapid composition of the DIGEST or PANDECTS⁷⁵, in three years, will deserve praise or censure, according to the merit of the execution. From the library of Tribonian, they chose forty, the most eminent civilians of former times⁷⁶: two thousand treatises were comprised in an abridgment of fifty books; and it has been carefully recorded, that three millions of lines or sentences⁷⁷, were reduced, in this abstract, to the moderate number of one hundred and fifty thousand. The edition of this great work was delayed a month after that of the INSTITUTES; and it seemed reasonable that the elements should precede the digest of the Roman law. As soon as the emperor had approved their labours, he ratified, by his legislative power, the speculations of these private citizens: their commentaries, on the twelve tables, the perpetual edict, the laws of the people, and the decrees of the senate, succeeded to the authority of the text; and the text was abandoned, as an useless, though venerable, relic of antiquity. The *Code*, the *Pandects*, and the *Institutes*, were declared to be the legitimate system of civil jurisprudence; they alone were admitted in the tribunals, and they alone were taught in the academies of Rome, Constantinople, and Berytus. Justinian addressed to the senate and provinces, his *eternal oracles*; and his pride, under the mask of piety, ascribed the consummation of

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CHAP. this great design to the support and inspiration of
 XLIV. the Deity.

Praise and
 censure of
 the Code and
 Pandects.

Since the emperor declined the fame and envy of original composition, we can only require at his hands, method, choice, and fidelity, the humble, though indispensable, virtues of a compiler. Among the various combinations of ideas, it is difficult to assign any reasonable preference; but as the order of Justinian is different in his three works, it is possible that all may be wrong; and it is certain that two cannot be right. In the selection of ancient laws, he seems to have viewed his predecessors without jealousy, and with equal regard: the series could not ascend above the reign of Hadrian, and the narrow distinction of Paganism and Christianity, introduced by the superstition of Theodosius, had been abolished by the consent of mankind. But the jurisprudence of the Pandects is circumscribed within a period of an hundred years, from the perpetual edict to the death of Severus Alexander: the civilians who lived under the first Cæsars, are seldom permitted to speak, and only three names can be attributed to the age of the republic. The favourite of Justinian (it has been fiercely urged) was fearful of encountering the light of freedom and the gravity of Roman sages. Tribonian condemned to oblivion the genuine and native wisdom of Cato, the Scævolas, and Sulpicius; while he invoked spirits more congenial to his own, the Syrians, Greeks, and Africans, who flocked to the Imperial court to study Latin as a foreign

tongue, and jurisprudence as a lucrative profession. But the ministers of Justinian ⁷⁸ were instructed to labour, not for the curiosity of antiquarians, but for the immediate benefit of his subjects. It was their duty to select the useful and practical parts of the Roman law; and the writings of the old republicans, however curious or excellent, were no longer suited to the new system of manners, religion, and government. Perhaps, if the preceptors and friends of Cicero were still alive, our candour would acknowledge, that, except in purity of language ⁷⁹, their intrinsic merit was excelled by the school of Papinian and Ulpian. The science of the laws is the slow growth of time and experience, and the advantage both of method and materials, is naturally assumed by the most recent authors. The civilians of the reign of the Antonines had studied the works of their predecessors: their philosophic spirit had mitigated the rigour of antiquity, simplified the forms of proceeding, and emerged from the jealousy and prejudice of the rival sects. The choice of the authorities that compose the Pandects, depended on the judgment of Tribonian: but the power of his sovereign could not absolve him from the sacred obligations of truth and fidelity. As the legislator of the empire, Justinian might repeal the acts of the Antonines, or condemn, as seditious, the free principles, which were maintained by the last of the *Roman* lawyers ⁸⁰. But the existence of past facts is placed beyond the reach of despotism, and the em-

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peror was guilty of fraud and forgery, when he corrupted the integrity of their text, inscribed with their venerable names the words and ideas of his fervile reign ⁸¹, and suppressed, by the hand of power, the pure and authentic copies of their sentiments. The changes and interpolations of Tribonian and his colleagues are excused by the pretence of uniformity: but their cares have been insufficient, and the *antinomies*, or contradictions of the Code and Pandects, still exercise the patience and subtlety of modern civilians ⁸².

Loss of the
ancient jurif-
prudence.

A rumour devoid of evidence has been propagated by the enemies of Justinian; that the jurisprudence of ancient Rome was reduced to ashes by the author of the Pandects, from the vain persuasion, that it was now either false or superfluous. Without usurping an office so invidious, the emperor might safely commit to ignorance and time the accomplishment of this destructive wish. Before the invention of printing and paper, the labour and the materials of writing could be purchased only by the rich; and it may reasonably be computed, that the price of books was an hundred fold their present value ⁸³. Copies were slowly multiplied and cautiously renewed: the hopes of profit tempted the sacrilegious scribes to erase the characters of antiquity, and Sophocles or Tacitus were obliged to resign the parchment to missals, homilies, and the golden legend ⁸⁴. If such was the fate of the most beautiful compositions of genius, what stability could be expected for the dull and barren works
of

of an obsolete science? The books of jurisprudence were interesting to few, and entertaining to none: their value was connected with present use, and they sunk for ever as soon as that use was superseded by the innovations of fashion, superior merit, or public authority. In the age of peace and learning, between Cicero and the last of the Antonines, many losses had been already sustained, and some luminaries of the school, or forum, were known only to the curious by tradition and report. Three hundred and sixty years of disorder and decay accelerated the progress of oblivion; and it may fairly be presumed, that of the writings, which Justinian is accused of neglecting, many were no longer to be found in the libraries of the East⁸⁵. The copies of Papinian or Ulpian, which the reformer had proscribed, were deemed unworthy of future notice; the twelve tables and prætorian edict insensibly vanished, and the monuments of ancient Rome were neglected or destroyed by the envy and ignorance of the Greeks. Even the Pandects themselves have escaped with difficulty and danger from the common shipwreck, and criticism has pronounced, that *all* the editions and manuscripts of the West are derived from *one* original⁸⁶. It was transcribed at Constantinople in the beginning of the seventh century⁸⁷, was successively transported by the accidents of war and commerce to Amalphi⁸⁸, Pisa⁸⁹, and Florence⁹⁰, and is now deposited as a sacred relic⁹¹ in the ancient palace of the republic⁹².

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Legal inconstancy of Justinian.

It is the first care of a reformer to prevent any future reformation. To maintain the text of the Pandects, the Institutes, and the Code, the use of cyphers and abbreviations was rigorously proscribed; and as Justinian recollected, that the perpetual edict had been buried under the weight of commentators, he denounced the punishment of forgery against the rash civilians who should presume to interpret or pervert the will of their sovereign. The scholars of Accursius, of Bartolus, of Cujacius, should blush for their accumulated guilt, unless they dare to dispute his right of binding the authority of his successors, and the native freedom of the mind. But the emperor was unable to fix his own inconstancy; and, while he boasted of renewing the exchange of Diomede, of transmuting brass into gold⁹³, he discovered the necessity of purifying his gold from the mixture of baser alloy. Six years had not elapsed from the publication of the Code, before he condemned the imperfect attempt, by a new and more accurate edition of the same work; which he enriched with two hundred of his own laws, and fifty decisions of the darkest and most intricate points of jurisprudence. Every year, or, according to Procopius, each day, of his long reign, was marked by some legal innovation. Many of his acts were rescinded by himself; many were rejected by his successors, many have been obliterated by time; but the number of sixteen EDICTS, and one hundred and sixty-eight NOVELS⁹⁴, has been admitted into the

Second edition of the Code,
A. D. 534,
Nov. 16.

The Novels,

authentic body of the civil jurisprudence. In the opinion of a philosopher superior to the prejudices of his profession, these incessant; and, for the most part trifling, alterations, can be only explained by the venal spirit of a prince, who sold without shame his judgments and his laws⁹⁵. The charge of the secret historian is indeed explicit and vehement; but the sole instance, which he produces, may be ascribed to the devotion as well as to the avarice of Justinian. A wealthy bigot had bequeathed his inheritance to the church of Emesa; and its value was enhanced by the dexterity of an artist, who subscribed confessions of debt and promises of payment with the names of the richest Syrians. They pleaded the established prescription of thirty or forty years; but their defence was over-ruled by a retrospective edict, which extended the claims of the church to the term of a century; an edict so pregnant with injustice and disorder, that after serving this occasional purpose, it was prudently abolished in the same reign⁹⁶. If candour will acquit the emperor himself; and transfer the corruption to his wife and favourites, the suspicion of so foul a vice must still degrade the majesty of his laws; and the advocates of Justinian may acknowledge, that such levity, whatsoever be the motive, is unworthy of a legislator and a man.

Monarchs seldom condescend to become the preceptors of their subjects; and some praise is due to Justinian, by whose command an ample system was reduced to a short and elementary

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The Instit-
tutes,

A. D. 533;

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C H A P. XLIV. treatise. Among the various institutes of the Roman law⁹⁷, those of Caius⁹⁸ were the most popular in the East and West; and their use may be considered as an evidence of their merit. They were selected by the Imperial delegates, Tribonian, Theophilus, and Dorotheus: and the freedom and purity of the Antonines was incruited with the coarser materials of a degenerate age. The same volume which introduced the youth of Rome, Constantinople, and Berytus, to the gradual study of the Code and Pandects, is still precious to the historian, the philosopher, and the magistrate. The INSTITUTES of Justinian are divided into four books; they proceed, with no contemptible method, from, I. *Persons*, to, II. *Things*, and from things, to, III. *Actions*; and the article IV. of *Private Wrongs*, is terminated by the principles of *Criminal Law*.

I. OF PERSONS.
Freemen and
slaves.

I. The distinction of ranks and *persons*, is the firmest basis of a mixed and limited government. In France, the remains of liberty are kept alive by the spirit, the honours, and even the prejudices, of fifty thousand nobles⁹⁹. Two hundred families supply, in lineal descent, the second branch of the English legislature, which maintains, between the king and commons, the balance of the constitution. A gradation of patricians and plebeians, of strangers and subjects, has supported the aristocracy of Genoa, Venice, and ancient Rome. The perfect equality of men is the point in which the extremes of democracy and despotism are confounded; since the majesty

of the prince or people would be offended, if any heads were exalted above the level of their fellow-slaves or fellow-citizens. In the decline of the Roman empire, the proud distinctions of the republic were gradually abolished, and the reason or instinct of Justinian completed the simple form of an absolute monarchy. The emperor could not eradicate the popular reverence which always waits on the possession of hereditary wealth or the memory of famous ancestors. He delighted to honour with titles and emoluments, his generals, magistrates, and senators; and his precarious indulgence communicated some rays of their glory to the persons of their wives and children. But in the eye of the law, all Roman citizens were equal, and all subjects of the empire were citizens of Rome. That inestimable character was degraded to an obsolete and empty name. The voice of a Roman could no longer enact his laws, or create the annual ministers of his power: his constitutional rights might have checked the arbitrary will of a master; and the bold adventurer from Germany or Arabia was admitted, with equal favour, to the civil and military command, which the citizen alone had been once entitled to assume over the conquests of his fathers. The first Cæsars had scrupulously guarded the distinction of *ingenuous*, and *servile* birth, which was decided by the condition of the mother; and the candour of the laws was satisfied, if *her* freedom could be ascertained during a single moment between the conception and the delivery. The

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slaves, who were liberated by a generous master, immediately entered into the middle class of *libertines* or freedmen: but they could never be enfranchised from the duties of obedience and gratitude: whatever were the fruits of their industry, their patron and his family inherited the third part; or even the whole of their fortune, if they died without children and without a testament. Justinian respected the rights of patrons; but his indulgence removed the badge of disgrace from the two inferior orders of freedmen: whoever ceased to be a slave, obtained, without reserve or delay, the station of a citizen; and at length the dignity of an ingenuous birth, which nature had refused, was created, or supposed, by the omnipotence of the emperor. Whatever restraints of age, or forms, or numbers, had been formerly introduced to check the abuse of manumissions, and the too rapid encrease of vile and indigent Romans, he finally abolished; and the spirit of his laws promoted the extinction of domestic servitude. Yet the eastern provinces were filled, in the time of Justinian, with multitudes of slaves, either born or purchased for the use of their masters; and the price, from ten to seventy pieces of gold, was determined by their age, their strength, and their education¹⁰⁰. But the hardships of this dependent state were continually diminished by the influence of government and religion; and the pride of a subject was no longer elated by his absolute dominion over the life and happiness of his bondsman¹⁰¹.

The law of nature instructs most animals to cherish and educate their infant progeny. The law of reason inculcates to the human species the returns of filial piety. But the exclusive, absolute, and perpetual dominion of the father over his children, is peculiar to the Roman jurisprudence¹⁰², and seems to be coëval with the foundation of the city¹⁰³. The paternal power was instituted or confirmed by Romulus himself; and after the practice of three centuries, it was inscribed on the fourth table of the Decemvirs. In the forum, the senate, or the camp, the adult son of a Roman citizen enjoyed the public and private rights of a *person*; in his father's house, he was a mere *thing*; confounded by the laws with the moveables, the cattle, and the slaves, whom the capricious master might alienate or destroy, without being responsible to any earthly tribunal. The hand which bestowed the daily sustenance might resume the voluntary gift, and whatever was acquired by the labour or fortune of the son, was immediately lost in the property of the father. His stolen goods (his oxen or his children) might be recovered by the same action of theft¹⁰⁴; and if either had been guilty of a trespass, it was in his own option to compensate the damage, or resign to the injured party the obnoxious animal. At the call of indigence or avarice, the master of a family could dispose of his children or his slaves. But the condition of the slave was far more advantageous, since he regained by the first manumission his alienated

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Fathers and
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freedom: the son was again restored to his unnatural father, he might be condemned to servitude a second and a third time, and it was not till after the third sale and deliverance¹⁰⁵, that he was enfranchised from the domestic power, which had been so repeatedly abused. According to his discretion, a father might chastise the real or imaginary faults of his children, by stripes, by imprisonment, by exile, by sending them to the country to work in chains among the meanest of his servants. The majesty of a parent was armed with the power of life and death¹⁰⁶; and the examples of such bloody executions, which were sometimes praised and never punished, may be traced in the annals of Rome, beyond the times of Pompey and Augustus. Neither age, nor rank, nor the consular office, nor the honours of a triumph, could exempt the most illustrious citizen from the bonds of filial subjection¹⁰⁷: his own descendants were included in the family of their common ancestor; and the claims of adoption were not less sacred or less rigorous than those of nature. Without fear, though not without danger of abuse, the Roman legislators had reposed an unbounded confidence in the sentiments of paternal love; and the oppression was tempered by the assurance, that each generation must succeed in its turn to the awful dignity of parent and master.

Limitations
of the paternal
authority.

The first limitation of paternal power is ascribed to the justice and humanity of Numa:

and the maid who, with *his* father's consent, had espoused a freeman, was protected from the disgrace of becoming the wife of a slave. In the first ages, when the city was pressed and often famished by her Latin and Tuscan neighbours, the sale of children might be a frequent practice; but as a Roman could not legally purchase the liberty of his fellow-citizen, the market must gradually fail, and the trade would be destroyed by the conquests of the republic. An imperfect right of property was at length communicated to sons; and the threefold distinction of *profectitious*, *adventitious*, and *professional*, was ascertained by the jurisprudence of the Code and Pandects¹⁰⁸. Of all that proceeded from the father, he imparted only the use, and reserved the absolute dominion; yet if his goods were sold, the filial portion was excepted, by a favourable interpretation, from the demands of the creditors. In whatever accrued by marriage, gift, or collateral succession, the property was secured to the son; but the father, unless he had been specially excluded, enjoyed the usufruct during his life. As a just and prudent reward of military virtue, the spoils of the enemy were acquired, possessed, and bequeathed by the soldier alone; and the fair analogy was extended to the emoluments of any liberal profession, the salary of public service, and the sacred liberality of the emperor or the empress. The life of a citizen was less exposed than his fortune to the abuse of paternal power. Yet his life might be adverse to the interest or

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passions of an unworthy father: the same crimes that flowed from the corruption, were more sensibly felt by the humanity, of the Augustan age; and the cruel Erixo, who whipt his son till he expired, was saved by the emperor from the just fury of the multitude ¹⁰⁹. The Roman father, from the licence of servile dominion, was reduced to the gravity and moderation of a judge. The presence and opinion of Augustus confirmed the sentence of exile pronounced against an intentional parricide by the domestic tribunal of Arius. Hadrian transported to an island the jealous parent, who, like a robber, had seized the opportunity of hunting, to assassinate a youth, the incestuous lover of his step-mother ¹¹⁰. A private jurisdiction is repugnant to the spirit of monarchy; the parent was again reduced from a judge to an accuser; and the magistrates were enjoined by Severus Alexander to hear his complaints and execute his sentence. He could no longer take the life of a son without incurring the guilt and punishment of murder; and the pains of parricide, from which he had been excepted by the Pompeian law, were finally inflicted by the justice of Constantine ¹¹¹. The same protection was due to every period of existence; and reason must applaud the humanity of Paulus, for imputing the crime of murder to the father, who strangles, or starves, or abandons his new-born infant; or exposes him in a public place to find the mercy which he himself had denied. But the exposition of children was the

prevailing and stubborn vice of antiquity: it was sometimes prescribed, often permitted, almost always practised with impunity, by the nations who never entertained the Roman ideas of paternal power; and the dramatic poets, who appeal to the human heart, represent with indifference a popular custom which was palliated by the motives of œconomy and compassion¹¹². If the father could subdue his own feelings, he might escape, though not the censure, at least the chastisement of the laws; and the Roman empire was stained with the blood of infants, till such murders were included, by Valentinian and his colleagues, in the letter and spirit of the Cornelian law. The lessons of jurisprudence¹¹³ and christianity had been insufficient to eradicate this inhuman practice, till their gentle influence was fortified by the terrors of capital punishment¹¹⁴.

Experience has proved, that savages are the tyrants of the female sex, and that the condition of women is usually softened by the refinements of social life. In the hope of a robust progeny, Lycurgus had delayed the season of marriage: it was fixed by Numa at the tender age of twelve years, that the Roman husband might educate to his will a pure and obedient virgin¹¹⁵. According to the custom of antiquity, he bought his bride of her parents, and she fulfilled the *coemption*, by purchasing, with three pieces of copper, a just introduction to his house and household deities. A sacrifice of fruits was offered by the pontiffs in the presence of ten wit-

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and wives.

The religious
rites of mar-
riage.

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C H A P. XLIV. nesses, the contracting parties were seated on the same sheepskin; they tasted a salt cake of *far* or rice; and this *confarreatio*¹¹⁶, which denoted the ancient food of Italy, served as an emblem of their mystic union of mind and body. But this union on the side of the woman was rigorous and unequal; and she renounced the name and worship of her father's house, to embrace a new servitude, decorated only by the title of adoption. A fiction of the law, neither rational nor elegant, bestowed on the mother of a family¹¹⁷ (her proper appellation) the strange characters of sister to her own children, and of daughter to her husband or master, who was invested with the plenitude of paternal power. By his judgment or caprice her behaviour was approved, or censured, or chastised; he exercised the jurisdiction of life and death; and it was allowed, that in the cases of adultery or drunkenness¹¹⁸, the sentence might be properly inflicted. She acquired and inherited for the sole profit of her lord; and so clearly was woman defined, not as a *person*, but as a *thing*, that, if the original title were deficient, she might be claimed, like other moveables, by the *use* and possession of an entire year. The inclination of the Roman husband discharged or withheld the conjugal debt, so scrupulously exacted by the Athenian and Jewish laws¹¹⁹: but, as polygamy was unknown, he could never admit to his bed a fairer or more favoured partner.

Freedom of

After the Punic triumphs, the matrons of Rome

aspired to the common benefits of a free and opulent republic: their wishes were gratified by the indulgence of fathers and lovers, and their ambition was unsuccessfully resisted by the gravity of Cato the Cenfor¹²⁰. They declined the solemnities of the old nuptials, defeated the annual prescription by an absence of three days, and, without losing their name or independence, subscribed the liberal and definite terms of a marriage-contract. Of their private fortunes, they communicated the use, and secured the property: the estates of a wife could neither be alienated nor mortgaged by a prodigal husband; their mutual gifts were prohibited by the jealousy of the laws; and the misconduct of either party might afford, under another name, a future subject for an action of theft. To this loose and voluntary compact, religious and civil rites were no longer essential; and, between persons of a similar rank, the apparent community of life was allowed as sufficient evidence of their nuptials. The dignity of marriage was restored by the Christians, who derived all spiritual grace from the prayers of the faithful and the benediction of the priest or bishop. The origin, validity, and duties of the holy institution, were regulated by the tradition of the synagogue, the precepts of the gospel, and the canons of general or provincial synods¹²¹; and the conscience of the Christians was awed by the decrees and censures of their ecclesiastical rulers. Yet the magistrates of Justinian were not subject to the authority of the

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the matrimo-
nial contract.

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CHAP. church: the emperor consulted the unbelieving
XLIV. civilians of antiquity, and the choice of matrimonial laws in the Code and Pandects, is directed by the earthly motives of justice, policy, and the natural freedom of both sexes ¹²².

Liberty and
abuse of di-
vorce.

Besides the agreement of the parties, the essence of every rational contract, the Roman marriage required the previous approbation of the parents. A father might be forced by some recent laws to supply the wants of a mature daughter; but even his insanity was not generally allowed to supersede the necessity of his consent. The causes of the dissolution of matrimony have varied among the Romans ¹²³; but the most solemn sacrament, the confarreation itself, might always be done away by rites of a contrary tendency. In the first ages, the father of a family might sell his children, and his wife was reckoned in the number of his children: the domestic judge might pronounce the death of the offender; or his mercy might expel her from his bed and house; but the slavery of the wretched female was hopeless and perpetual, unless he asserted for his own convenience the manly prerogative of divorce. The warmest applause has been lavished on the virtue of the Romans, who abstained from the exercise of this tempting privilege above five hundred years ¹²⁴: but the same fact evinces the unequal terms of a connection in which the slave was unable to renounce her tyrant, and the tyrant was unwilling to relinquish his slave. When the Roman matrons became the equal and voluntary companions of

their lords, a new jurisprudence was introduced, that marriage, like other partnerships, might be dissolved by the abdication of one of the associates. In three centuries of prosperity and corruption, this principle was enlarged to frequent practice and pernicious abuse. Passion, interest, or caprice, suggested daily motives for the dissolution of marriage; a word, a sign, a message, a letter, the mandate of a freedman, declared the separation; the most tender of human connections was degraded to a transient society of profit or pleasure. According to the various conditions of life, both sexes alternately felt the disgrace and injury: an inconstant spouse transferred her wealth to a new family, abandoning a numerous, perhaps a spurious, progeny to the paternal authority and care of her late husband; a beautiful virgin might be dismissed to the world, old, indigent, and friendless; but the reluctance of the Romans, when they were pressed to marriage by Augustus, sufficiently marks, that the prevailing institutions were least favourable to the males. A specious theory is confuted by this free and perfect experiment, which demonstrates, that the liberty of divorce does not contribute to happiness and virtue. The facility of separation would destroy all mutual confidence, and inflame every trifling dispute: the minute difference between an husband and a stranger, which might so easily be removed, might still more easily be forgotten; and the matron, who in five years can submit to the embraces of eight

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of the liberty
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husbands, must cease to reverence the chastity of her own person ¹²⁵.

Insufficient remedies followed with distant and tardy steps the rapid progress of the evil. The ancient worship of the Romans afforded a peculiar goddess to hear and reconcile the complaints of a married life; but her epithet of *Viriplaca* ¹²⁶, the appeaser of husbands, too clearly indicates on which side submission and repentance were always expected. Every act of a citizen was subject to the judgment of the *censors*; the first who used the privilege of divorce assigned, at their command, the motives of his conduct ¹²⁷; and a senator was expelled for dismissing his virgin spouse without the knowledge or advice of his friends. Whenever an action was instituted for the recovery of a marriage-portion, the *prætor*, as the guardian of equity, examined the cause and the characters, and gently inclined the scale in favour of the guiltless and injured party. Augustus, who united the powers of both magistrates, adopted their different modes of repressing or chastising the licence of divorce ¹²⁸. The presence of seven Roman witnesses was required for the validity of this solemn and deliberate act; if any adequate provocation had been given by the husband, instead of the delay of two years, he was compelled to refund immediately, or in the space of six months; but if he could arraign the manners of his wife, her guilt or levity was expiated by the loss of the sixth or eighth part of her marriage-portion. The Christian princes were the first who specified

specified the just causes of a private divorce; their institutions, from Constantine to Justinian, appear to fluctuate between the custom of the empire and the wishes of the church¹²⁹, and the author of the Novels too frequently reforms the jurisprudence of the Code and Pandects. In the most rigorous laws, a wife was condemned to support a gamester, a drunkard, or a libertine, unless he were guilty of homicide, poison, or sacrilege, in which cases the marriage, as it should seem, might have been dissolved by the hand of the executioner. But the sacred right of the husband was invariably maintained, to deliver his name and family from the disgrace of adultery: the list of *mortal* sins, either male or female, was curtailed and enlarged by successive regulations, and the obstacles of incurable impotence, long absence, and monastic profession, were allowed to rescind the matrimonial obligation. Whoever transgressed the permission of the law, was subject to various and heavy penalties. The woman was stript of her wealth and ornaments, without excepting the bodkin of her hair: if the man introduced a new bride into his bed, *her* fortune might be lawfully seized by the vengeance of his exiled wife. Forfeiture was sometimes commuted to a fine; the fine was sometimes aggravated by transportation to an island, or imprisonment in a monastery: the injured party was released from the bonds of marriage; but the offender, during life or a term of years, was disabled from the repetition of nuptials. The successor of Justinian yielded to the

CHAP. prayers of his unhappy subjects, and restored the
 XLIV. liberty of divorce by mutual consent: the civilians were unanimous ¹³⁰, the theologians were divided ¹³¹, and the ambiguous word, which contains the precept of Christ is flexible to any interpretation that the wisdom of a legislator can demand.

Incest, concubines, and bastards.

The freedom of love and marriage was restrained among the Romans by natural and civil impediments. An instinct, almost innate and universal, appears to prohibit the incestuous commerce ¹³² of parents and children in the infinite series of ascending and descending generations. Concerning the oblique and collateral branches, nature is indifferent, reason mute, and custom various and arbitrary. In Egypt, the marriage of brothers and sisters was admitted without scruple or exception: a Spartan might espouse the daughter of his father, an Athenian, that of his mother; and the nuptials of an uncle with his niece were applauded at Athens as an happy union of the dearest relations. The profane lawgivers of Rome were never tempted by interest or superstition to multiply the forbidden degrees: but they inflexibly condemned the marriage of sisters and brothers, hesitated whether first cousins should be touched by the same interdict; revered the parental character of aunts and uncles, and treated affinity and adoption as a just imitation of the ties of blood. According to the proud maxims of the republic, a legal marriage could only be contracted by free citizens; an honourable, at least an ingenuous birth,

was required for the spouse of a senator: but the blood of kings could never mingle in legitimate nuptials with the blood of a Roman; and the name of Stranger degraded Cleopatra and Berenice¹³³, to live the *concubines* of Mark Antony and Titus¹³⁴. This appellation, indeed so injurious to the majesty, cannot without indulgence be applied to the manners, of these Oriental queens. A concubine, in the strict sense of the civilians, was a woman of servile or plebeian extraction, the sole and faithful companion of a Roman citizen, who continued in a state of celibacy. Her modest station below the honours of a wife, above the infamy of a prostitute, was acknowledged and approved by the laws: from the age of Augustus to the tenth century, the use of this secondary marriage prevailed both in the West and East, and the humble virtues of a concubine were often preferred to the pomp and insolence of a noble matron. In this connection, the two Antonines, the best of princes and of men, enjoyed the comforts of domestic love: the example was imitated by many citizens impatient of celibacy, but regardful of their families. If at any time they desired to legitimate their natural children, the conversion was instantly performed by the celebration of their nuptials with a partner whose fruitfulness and fidelity they had already tried. By this epithet of *natural*, the offspring of the concubine were distinguished from the spurious brood of adultery, prostitution, and incest, to whom Justinian reluctantly grants the

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necessary aliments of life; and these natural children alone were capable of succeeding to a sixth part of the inheritance of their reputed father. According to the rigour of law, bastards were entitled only to the name and condition of their mother, from whom they might derive the character of a slave, a stranger, or a citizen. The outcasts of every family were adopted without reproach as the children of the state¹³⁵.

Guardians
and wards.

The relation of guardian and ward, or in Roman words of *tutor* and *pupil*, which covers so many titles of the Institutes and Pandects¹³⁶, is of a very simple and uniform nature. The person and property of an orphan must always be trusted to the custody of some discreet friend. If the deceased father had not signified his choice, the *agnats*, or paternal kindred of the nearest degree, were compelled to act as the natural guardians: the Athenians were apprehensive of exposing the infant to the power of those most interested in his death; but an axiom of Roman jurisprudence has pronounced, that the charge of tutelage should constantly attend the emolument of succession. If the choice of the father, and the line of consanguinity, afforded no efficient guardian, the failure was supplied by the nomination of the prætor of the city, or the president of the province. But the person whom they named to this *public* office might be legally excused by insanity or blindness, by ignorance or inability, by previous enmity or adverse interest, by the number of children or guardianships with

which he was already burthened, and by the immunities which were granted to the useful labours of magistrates, lawyers, physicians, and professors. Till the infant could speak and think, he was represented by the tutor, whose authority was finally determined by the age of puberty. Without his consent, no act of the pupil could bind himself to his own prejudice, though it might oblige others for his personal benefit. It is needless to observe, that the tutor often gave security, and always rendered an account, and that the want of diligence or integrity exposed him to a civil and almost criminal action for the violation of his sacred trust. The age of puberty had been rashly fixed by the civilians at fourteen; but as the faculties of the mind ripen more slowly than those of the body, a *curator* was interposed to guard the fortunes of a Roman youth from his own inexperience and headstrong passions. Such a trustee had been first instituted by the prætor, to save a family from the blind havock of a prodigal or madman; and the minor was compelled by the laws, to solicit the same protection, to give validity to his acts till he accomplished the full period of twenty-five years. Women were condemned to the perpetual tutelage of parents, husbands, or guardians; a sex created to please and obey was never supposed to have attained the age of reason and experience. Such at least was the stern and haughty spirit of the ancient law, which had been insensibly mollified before the time of Justinian.

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II. OF
THINGS.
Right of prop-
erty.

II. The original right of property can only be justified by the accident or merit of prior occupancy; and on this foundation it is wisely established by the philosophy of the civilians ¹³⁷. The savage who hollows a tree, inserts a sharp stone into a wooden handle, or applies a string to an elastic branch, becomes in a state of nature the just proprietor of the canoe, the bow, or the hatchet. The materials were common to all, the new form, the produce of his time and simple industry, belongs solely to himself. His hungry brethren cannot, without a sense of their own injustice, extort from the hunter the game of the forest overtaken or slain by his personal strength and dexterity. If his provident care preserves and multiplies the tame animals, whose nature is tractable to the arts of education, he acquires a perpetual title to the use and service of their numerous progeny, which derives its existence from him alone. If he incloses and cultivates a field for their sustenance and his own, a barren waste is converted into a fertile soil; the seed, the manure, the labour, create a new value, and the rewards of harvest are painfully earned by the fatigues of the revolving year. In the successive states of society, the hunter, the shepherd, the husbandman, may defend their possessions by two reasons which forcibly appeal to the feelings of the human mind: that whatever they enjoy is the fruit of their own industry; and, that every man who envies their felicity, may purchase similar acquisitions by the exercise of similar

diligence. Such, in truth, may be the freedom and plenty of a small colony cast on a fruitful island. But the colony multiplies, while the space still continues the same: the common rights, the equal inheritance of mankind, are engrossed by the bold and crafty; each field and forest is circumscribed by the land-marks of a jealous master; and it is the peculiar praise of the Roman jurisprudence, that it asserts the claim of the first occupant to the wild animals of the earth, the air, and the waters. In the progress from primitive equity to final injustice, the steps are silent, the shades are almost imperceptible, and the absolute monopoly is guarded by positive laws and artificial reason. The active insatiate principle of self-love can alone supply the arts of life and the wages of industry; and as soon as civil government and exclusive property have been introduced, they become necessary to the existence of the human race. Except in the singular institutions of Sparta, the wisest legislators have disapproved an agrarian law as a false and dangerous innovation. Among the Romans, the enormous disproportion of wealth surmounted the ideal restraints of a doubtful tradition and an obsolete statute; a tradition that the poorest follower of Romulus had been endowed with the perpetual inheritance of two *jugera*¹³⁸, a statute which confined the richest citizen to the measure of five hundred jugera, or three hundred and twelve acres of land. The original territory of Rome consisted only of some miles of wood and meadow along

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the banks of the Tyber; and domestic exchange could add nothing to the national stock. But the goods of an alien or enemy were lawfully exposed to the first hostile occupier; the city was enriched by the profitable trade of war; and the blood of her sons was the only price that was paid for the Volscian sheep, the slaves of Britain, or the gems and gold of Asiatic kingdoms. In the language of ancient jurisprudence, which was corrupted and forgotten before the age of Justinian, these spoils were distinguished by the name of *manceps* or *mancipium*, taken with the hand; and whenever they were sold or *emancipated*, the purchaser required some assurance that they had been the property of an enemy, and not of a fellow-citizen¹³⁹. A citizen could only forfeit his rights by apparent dereliction, and such dereliction of a valuable interest could not easily be presumed. Yet according to the twelve tables, a prescription of one year for moveables, and of two years for immoveables, abolished the claim of the ancient master, if the actual possessor had acquired them by a fair transaction from the person whom he believed to be the lawful proprietor¹⁴⁰. Such conscientious injustice, without any mixture of fraud or force, could seldom injure the members of a small republic; but the various periods of three, of ten, or of twenty years, determined by Justinian, are more suitable to the latitude of a great empire. It is only in the term of prescription that the distinction of real and personal fortune has been remarked by the civilians, and their general idea

of property is that of simple, uniform, and absolute dominion. The subordinate exceptions of *use*, of *usufruct* ¹⁴¹, of *servitudes* ¹⁴², imposed for the benefit of a neighbour on lands and houses, are abundantly explained by the professors of jurisprudence. The claims of property, as far as they are altered by the mixture, the division, or the transformation of substances, are investigated with metaphysical subtlety by the same civilians.

The personal title of the first proprietor must be determined by his death: but the possession, without any appearance of change, is peaceably continued in his children, the associates of his toil and the partners of his wealth. This natural inheritance has been protected by the legislators of every climate and age, and the father is encouraged to persevere in slow and distant improvements, by the tender hope, that a long posterity will enjoy the fruits of his labour. The *principle* of hereditary succession is universal, but the *order* has been variously established by convenience or caprice, by the spirit of national institutions, or by some partial example, which was originally decided by fraud or violence. The jurisprudence of the Romans appears to have deviated from the equality of nature, much less than the Jewish ¹⁴³, the Athenian ¹⁴⁴, or the English institutions ¹⁴⁵. On the death of a citizen, all his descendants, unless they were already freed from his paternal power, were called to the inheritance of his possessions. The insolent prerogative of primogeniture was unknown: the two sexes were placed on a just

Of inheritance and succession.

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Civil degrees
of kindred.

level; all the sons and daughters were entitled to an equal portion of the patrimonial estate; and if any of the sons had been intercepted by a premature death, his person was represented, and his share was divided, by his surviving children. On the failure of the direct line, the right of succession must diverge to the collateral branches. The degrees of kindred¹⁴⁶ are numbered by the civilians, ascending from the last possessor to a common parent, and descending from the common parent to the next heir: my father stands in the first degree, my brother in the second, his children in the third, and the remainder of the series may be conceived, by fancy, or pictured in a genealogical table. In this computation, a distinction was made, essential to the laws and even the constitution of Rome; the *agnats*, or persons connected by a line of males, were called, as they stood in the nearest degree, to an equal partition; but a female was incapable of transmitting any legal claims; and the *cognats* of every rank, without excepting the dear relation of a mother and a son, were disinherited by the twelve tables, as strangers and aliens. Among the Romans, a *gens* or lineage was united by a common name and domestic rites; the various *cognomens* or *surnames* of Scipio, or Marcellus, distinguished from each other the subordinate branches of families of the Cornelian or Claudian race: the default of the *agnats*, of the same surname, was supplied by the larger denomination of *gentiles*; and the vigilance of the laws maintained, in the same name, the perpetual descent of religion

and property. A similar principle dictated the Voconian law ¹⁴⁷, which abolished the right of female inheritance. As long as virgins were given or sold in marriage, the adoption of the wife extinguished the hopes of the daughter. But the equal succession of independent matrons, supported their pride and luxury, and might transport into a foreign house the riches of their fathers. While the maxims of Cato ¹⁴⁸ were revered, they tended to perpetuate in each family a just and virtuous mediocrity: till female blandishments insensibly triumphed; and every salutary restraint was lost in the dissolute greatness of the republic. The rigour of the decemvirs was tempered by the equity of the prætors. Their edicts restored emancipated and posthumous children to the rights of nature; and upon the failure of the *agnats*, they preferred the blood of the *cognats* to the name of the gentiles, whose title and character were insensibly covered with oblivion. The reciprocal inheritance of mothers and sons was established in the Tertullian and Orphitian decrees by the humanity of the senate. A new and more impartial order was introduced by the novels of Justinian, who affected to revive the jurisprudence of the twelve tables. The lines of masculine and female kindred were confounded: the descending, ascending, and collateral series, was accurately defined; and each degree, according to the proximity of blood and affection, succeeded to the vacant possessions of a Roman citizen ¹⁴⁹.

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The order of succession is regulated by nature, Introduction

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C H A P. XLIV. or at least by the general and permanent reason of the lawgiver: but this order is frequently violated by the arbitrary and partial *wills* which prolong the dominion of the testator beyond the grave¹⁵⁰. In the simple state of society, this last use or abuse of the right of property is seldom indulged: it was introduced at Athens by the laws of Solon; and the private testaments of the father of a family are authorized by the twelve tables. Before the time of the decemvirs¹⁵¹, a Roman citizen exposed his wishes and motives to the assembly of the thirty *curiæ* or parishes, and the general law of inheritance was suspended by an occasional act of the legislature. After the permission of the decemvirs, each private lawgiver promulgated his verbal or written testament in the presence of five citizens, who represented the five classes of the Roman people; a sixth witness attested their concurrence; a seventh weighed the copper money, which was paid by an imaginary purchaser; and the estate was emancipated by a fictitious sale and immediate release. This singular ceremony¹⁵², which excited the wonder of the Greeks, was still practised in the age of Severus; but the prætors had already approved a more simple testament, for which they required the seals and signatures of seven witnesses, free from all legal exception, and purposely summoned for the execution of that important act. A domestic monarch, who reigned over the lives and fortunes of his children, might distribute their respective shares according

to the degrees of their merit or his affection: his arbitrary displeasure chastised an unworthy son by the loss of his inheritance and the mortifying preference of a stranger. But the experience of unnatural parents recommended some limitations of their testamentary powers. A son, or, by the laws of Justinian, even a daughter, could no longer be disinherited by their silence: they were compelled to name the criminal, and to specify the offence; and the justice of the emperor enumerated the sole causes that could justify such a violation of the first principles of nature and society¹⁵³. Unless a legitimate portion, a fourth part, had been reserved for the children, they were entitled to institute an action or complaint of *inofficious* testament; to suppose that their father's understanding was impaired by sickness or age, and respectfully to appeal from his rigorous sentence to the deliberate wisdom of the magistrate. In the Roman jurisprudence, an essential distinction was admitted between the inheritance and the legacies. The heirs who succeeded to the entire unity, or to any of the twelve fractions of the substance of the testator, represented his civil and religious character, asserted his rights, fulfilled his obligations, and discharged the gifts of friendship or liberality which his last will had bequeathed under the name of legacies. But as the imprudence or prodigality of a dying man might exhaust the inheritance, and leave only risk and labour to his successor, he was empowered to retain the *Falcidian* portion; to deduct,

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Legacies.

C H A P. before the payment of the legacies, a clear
 XLIV. fourth for his own emolument. A reasonable time was allowed to examine the proportion between the debts and the estate, to decide whether he should accept or refuse the testament; and if he used the benefit of an inventory, the demands of the creditors could not exceed the valuation of the effects. The last will of a citizen might be altered during his life or rescinded after his death: the persons whom he named might die before him, or reject the inheritance, or be exposed to some legal disqualification. In the contemplation of these events, he was permitted to substitute second and third heirs, to replace each other according to the order of the testament; and the incapacity of a madman or an infant to bequeath his property, might be supplied by a similar substitution¹⁵⁴. But the power of the testator expired with the acceptance of the testament: each Roman of mature age and discretion acquired the absolute dominion of his inheritance, and the simplicity of the civil law was never clouded by the long and intricate entails which confine the happiness and freedom of unborn generations.

Codicils and
 trusts.

Conquest and the formalities of law established the use of *codicils*. If a Roman was surprised by death in a remote province of the empire, he addressed a short epistle to his legitimate or testamentary heir; who fulfilled with honour, or neglected with impunity, this last request, which the judges before the age of Augustus were not

authorised to enforce. A codicil might be expressed in any mode, or in any language; but the subscription of five witnesses must declare that it was the genuine composition of the author. His intention, however laudable, was sometimes illegal; and the invention of *fidei-commissa*, or trusts, arose from the struggle between natural justice and positive jurisprudence. A stranger of Greece or Africa might be the friend or benefactor of a childless Roman, but none, except a fellow-citizen, could act as his heir. The Vocianian law, which abolished female succession, restrained the legacy or inheritance of a woman to the sum of one hundred thousand sesterces¹⁵⁵; and an only daughter was condemned almost as an alien in her father's house. The zeal of friendship, and parental affection, suggested a liberal artifice: a qualified citizen was named in the testament, with a prayer or injunction that he would restore the inheritance to the person for whom it was truly intended. Various was the conduct of the trustees in this painful situation: they had sworn to observe the laws of their country, but honour prompted them to violate their oath: and if they preferred their interest under the mask of patriotism, they forfeited the esteem of every virtuous mind. The declaration of Augustus relieved their doubts, gave a legal sanction to confidential testaments and codicils, and gently unravelled the forms and restraints of the republican jurisprudence¹⁵⁶. But as the new practice of trusts degenerated

C H A P. into some abuse, the trustee was enabled, by
 XLIV. the Trebellian and Pegasian decrees, to reserve one fourth of the estate, or to transfer on the head of the real heir all the debts and actions of the succession. The interpretation of testaments was strict and literal; but the language of *trusts* and codicils was delivered from the minute and technical accuracy of the civilians ¹⁵⁷.

III. OF
 ACTIONS.

III. The general duties of mankind are imposed by their public and private relations: but their specific *obligations* to each other can only be the effect of, 1. a promise, 2. a benefit, or 3. an injury: and when these obligations are ratified by law, the interested party may compel the performance by a judicial *action*. On this principle, the civilians of every country have erected a similar jurisprudence, the fair conclusion of universal reason and justice ¹⁵⁸.

Promises.

1. The goddess of *faith* (of human and social faith) was worshipped, not only in her temples, but in the lives of the Romans; and if that nation was deficient in the more amiable qualities of benevolence and generosity, they astonished the Greeks by their sincere and simple performance of the most burthensome engagements ¹⁵⁹. Yet among the same people, according to the rigid maxims of the patricians and decemvirs, a *naked pact*, a promise, or even an oath, did not create any civil obligation, unless it was confirmed by the legal form of a *stipulation*. Whatever might be the etymology of the Latin word, it conveyed the idea of a
 firm

firm and irrevocable contract, which was always expressed in the mode of a question and answer. C H A P.
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Do you promise to pay me one hundred pieces of gold? was the solemn interrogation of Seius. I do promise — was the reply of Sempronius. The friends of Sempronius, who answered for his ability and inclination, might be separately sued at the option of Seius; and the benefit of partition, or order of reciprocal actions, insensibly deviated from the strict theory of stipulation. The most cautious and deliberate consent was justly required to sustain the validity of a gratuitous promise; and the citizen who might have obtained a legal security, incurred the suspicion of fraud, and paid the forfeit of his neglect. But the ingenuity of the civilians successfully laboured to convert simple engagements into the form of solemn stipulations. The prætors, as the guardians of social faith, admitted every rational evidence of a voluntary and deliberate act, which in their tribunal produced an equitable obligation, and for which they gave an action and a remedy ¹⁶⁰.

2. The obligations of the second class, as they were contracted by the delivery of a thing, are marked by the civilians with the epithet of real ¹⁶¹. Benefits
A grateful return is due to the author of a benefit; and whoever is entrusted with the property of another, has bound himself to the sacred duty of restitution. In the case of a friendly loan, the merit of generosity is on the side of the lender only, in a deposit on the side of the receiver;

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but in a *pledge*, and the rest of the selfish commerce of ordinary life, the benefit is compensated by an equivalent, and the obligation to restore is variously modified by the nature of the transaction. The Latin language very happily expresses the fundamental difference between the *commodatum* and the *mutuum*, which our poverty is reduced to confound under the vague and common appellation of a loan. In the former, the borrower was obliged to restore the same individual thing with which he had been *accommodated* for the temporary supply of his wants; in the latter, it was destined for his use and consumption, and he discharged this *mutual* engagement, by substituting the same specific value, according to a just estimation of number, of weight, and of measure. In the contract of *sale*, the absolute dominion is transferred to the purchaser, and he repays the benefit with an adequate sum of gold or silver, the price and universal standard of all earthly possessions. The obligation of another contract, that of *location*, is of a more complicated kind. Lands or houses, labour or talents, may be hired for a definite term; at the expiration of the time, the thing itself must be restored to the owner with an additional reward for the beneficial occupation and employment. In these lucrative contracts, to which may be added those of partnership and commissions, the civilians sometimes imagine the delivery of the object, and sometimes presume the consent of the parties. The substantial pledge has been refined into the inviolable rights of a mortgage or *hypotheca*; and the

agreement of sale, for a certain price, imputes, from that moment, the chances of gain or loss to the account of the purchaser. It may be fairly supposed, that every man will obey the dictates of his interest; and if he accepts the benefit, he is obliged to sustain the expence, of the transaction. In this boundless subject, the historian will observe the *location* of land and money, the rent of the one and the interest of the other, as they materially affect the prosperity of agriculture and commerce. The landlord was often obliged to advance the stock and instruments of husbandry, and to content himself with a partition of the fruits. If the feeble tenant was oppressed by accident, contagion, or hostile violence, he claimed a proportionable relief from the equity of the laws: five years were the customary term, and no solid or costly improvements could be expected from a farmer, who, at each moment, might be ejected by the sale of the estate ¹⁶². Usury ¹⁶³, the inveterate grievance of the city, had been discouraged by the twelve tables ¹⁶⁴, and abolished by the clamours of the people. It was revived by their wants and idleness, tolerated by the discretion of the prætors, and finally determined by the Code of Justinian. Persons of illustrious rank were confined to the moderate profit of four *per cent*; six was pronounced to be the ordinary and legal standard of interest; eight was allowed for the convenience of manufacturers and merchants; twelve was granted to nautical insurance, which the wiser ancients

Interest of
money.

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C H A P. had not attempted to define; but except in this
 XLIV. perilous adventure, the practice of exorbitant
 usury was severely restrained ¹⁶⁵. The most simple interest was condemned by the clergy of the East and West ¹⁶⁶: but the sense of mutual benefit, which had triumphed over the laws of the republic, have resisted with equal firmness the decrees of the church, and even the prejudices of mankind ¹⁶⁷.

Injuries.

3. Nature and society impose the strict obligation of repairing an injury; and the sufferer by private injustice, acquires a personal right and a legitimate action. If the property of another be entrusted to our care, the requisite degree of care may rise and fall according to the benefit which we derive from such temporary possession; we are seldom made responsible for inevitable accident, but the consequences of a voluntary fault must always be imputed to the author ¹⁶⁸. A Roman pursued and recovered his stolen goods by a civil action of theft; they might pass through a succession of pure and innocent hands, but nothing less than a prescription of thirty years could extinguish his original claim. They were restored by the sentence of the prætor, and the injury was compensated by double or threefold, or even quadruple damages, as the deed had been perpetrated by secret fraud or open rapine, as the robber had been surprised in the fact or detected by a subsequent research. The Aquilian law ¹⁶⁹ defended the living property of a citizen, his slaves and cattle, from the stroke of malice or

negligence: the highest price was allowed that could be ascribed to the domestic animal at any moment of the year preceding his death; a similar latitude of thirty days was granted on the destruction of any other valuable effects. A personal injury is blunted or sharpened by the manners of the times and the sensibility of the individual: the pain or the disgrace of a word or blow cannot easily be appreciated by a pecuniary equivalent. The rude jurisprudence of the decemvirs had confounded all hasty insults, which did not amount to the fracture of a limb, by condemning the aggressor to the common penalty of twenty five *asses*. But the same denomination of money was reduced, in three centuries, from a pound to the weight of half an ounce; and the insolence of a wealthy Roman indulged himself in the cheap amusement of breaking and satisfying the law of the twelve tables. Veratius ran through the streets striking on the face the inoffensive passengers, and his attendant purse-bearer immediately silenced their clamours by the legal tender of twenty-five pieces of copper, about the value of one shilling¹⁷⁰. The equity of the prætors examined and estimated the distinct merits of each particular complaint. In the adjudication of civil damages, the magistrate assumed a right to consider the various circumstances of time and place, of age and dignity, which may aggravate the shame and sufferings of the injured person; but if he admitted the idea of a fine, a punishment, and example, he invaded the province,

C H A P. though, perhaps, he supplied the defects, of the
 XLIV. criminal law.

Punishments,

Severity of
 the twelve
 tables,

The execution of the Alban dictator, who was dismembered by eight horses, is represented by Livy as the first and the last instance of Roman cruelty in the punishment of the most atrocious crimes¹⁷¹. But this act of justice, or revenge, was inflicted on a foreign enemy in the heat of victory, and at the command of a single man. The twelve tables afford a more decisive proof of the national spirit, since they were framed by the wisest of the senate, and accepted by the free voices of the people; yet these laws, like the statutes of Draco¹⁷², are written in characters of blood¹⁷³. They approve the inhuman and unequal principle of retaliation; and the forfeit of an eye for an eye, a tooth for a tooth, a limb for a limb, is rigorously exacted, unless the offender can redeem his pardon by a fine of three hundred pounds of copper. The decemvirs distributed with much liberality the lighter chastisements of flagellation and servitude; and nine crimes of a very different complexion are adjudged worthy of death. 1. Any act of *treason* against the state, or of correspondence with the public enemy. The mode of execution was painful and ignominious: the head of the degenerate Roman was shrouded in a veil, his hands were tied behind his back, and, after he had been scourged by the lictor, he was suspended in the midst of the forum on a cross, or inauspicious tree. 2. Nocturnal meetings in the city; what

ever might be the pretence, of pleasure or religion, or the public good. 3. The murder of a citizen; for which the common feelings of mankind demand the blood of the murderer. Poison is still more odious than the sword or dagger; and we are surpris'd to discover, in two flagitious events, how early such subtle wickedness had infected the simplicity of the republic, and the chaste virtues of the Roman matrons¹⁷⁴. The parricide who violated the duties of nature and gratitude, was cast into the river or the sea, inclosed in a sack; and a cock, a viper, a dog, and a monkey, were successively added as the most suitable companions¹⁷⁵. Italy produces no monkeys; but the want could never be felt, till the middle of the sixth century first revealed the guilt of a parricide¹⁷⁶. 4. The malice of an *incendiary*. After the previous ceremony of whipping, he himself was delivered to the flames; and in this example alone our reason is tempted to applaud the justice of retaliation. 5. *Judicial perjury*. The corrupt or malicious witness was thrown headlong from the Tarpeian rock to expiate his falsehood, which was rendered still more fatal by the severity of the penal laws, and the deficiency of written evidence. 6. The corruption of a judge, who accepted bribes to pronounce an iniquitous sentence. 7. Libels and satires, whose rude strains sometimes disturbed the peace of an illiterate city. The author was beaten with clubs, a worthy chastisement, but it is not certain that he was left to expire under the blows

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of the executioner¹⁷⁷. 8. The nocturnal mischief of damaging or destroying a neighbour's corn. The criminal was suspended as a grateful victim to Ceres. But the sylvan deities were less implacable, and the extirpation of a more valuable tree was compensated by the moderate fine of twenty-five pounds of copper. 9. Magical incantations; which had power, in the opinion of the Latian shepherds, to exhaust the strength of an enemy, to extinguish his life, and to remove from their seats his deep-rooted plantations. The cruelty of the twelve tables against insolvent debtors still remains to be told; and I shall dare to prefer the literal sense of antiquity, to the specious refinements of modern criticism¹⁷⁸. After the judicial proof or confession of the debt, thirty days of grace were allowed before a Roman was delivered into the power of his fellow-citizen. In this private prison, twelve ounces of rice were his daily food; he might be bound with a chain of fifteen pounds weight; and his misery was thrice exposed in the market-place, to solicit the compassion of his friends and countrymen. At the expiration of sixty days, the debt was discharged by the loss of liberty or life; the insolvent debtor was either put to death, or sold in foreign slavery beyond the Tyber: but if several creditors were alike obstinate and unrelenting, they might legally dismember his body, and satiate their revenge by this horrid partition. The advocates for this savage law have insisted, that it must

strongly operate in deterring idleness and fraud from contracting debts which they were unable to discharge; but experience would dissipate this salutary terror, by proving, that no creditor could be found to exact this unprofitable penalty of life or limb. As the manners of Rome were insensibly polished, the criminal code of the decemvirs was abolished by the humanity of accusers, witnesses, and judges; and impunity became the consequence of immoderate rigour. The Porcian and Valerian laws prohibited the magistrates from inflicting on a free citizen any capital, or even corporal punishment; and the obsolete statutes of blood were artfully, and perhaps truly, ascribed to the spirit, not of patrician, but of regal, tyranny.

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In the absence of penal laws and the insufficiency of civil actions, the peace and justice of the city were imperfectly maintained by the private jurisdiction of the citizens. The malefactors who replenish our goals, are the outcasts of society, and the crimes for which they suffer may be commonly ascribed to ignorance, poverty, and brutal appetite. For the perpetration of similar enormities, a vile plebeian might claim and abuse the sacred character of a member of the republic: but, on the proof or suspicion of guilt, the slave, or the stranger, was nailed to a cross, and this strict and summary justice might be exercised without restraint over the greatest part of the populace of Rome. Each family contained a domestic tribunal, which was not con-

Abolition or
oblivion of
penal laws.

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fined, like that of the prætor, to the cognizance of external actions: virtuous principles and habits were inculcated by the discipline of education; and the Roman father was accountable to the state for the manners of his children, since he disposed, without appeal, of their life, their liberty, and their inheritance. In some pressing emergencies, the citizen was authorised to avenge his private or public wrongs. The consent of the Jewish, the Athenian, and the Roman laws, approved the slaughter of the nocturnal thief; though in open day-light, a robber could not be slain without some previous evidence of danger and complaint. Whoever surprised an adulterer in his nuptial bed might freely exercise his revenge ¹⁷⁹; the most bloody or wanton outrage was excused by the provocation ¹⁸⁰; nor was it before the reign of Augustus that the husband was reduced to weigh the rank of the offender, or that the parent was condemned to sacrifice his daughter with her guilty seducer. After the expulsion of the kings, the ambitious Roman who should dare to assume their title or imitate their tyranny, was devoted to the infernal gods: each of his fellow-citizens was armed with the sword of justice; and the act of Brutus, however repugnant to gratitude or prudence, had been already sanctified by the judgment of his country ¹⁸¹. The barbarous practice of wearing arms in the midst of peace ¹⁸², and the bloody maxims of honour, were unknown to the Romans; and, during the two purest ages,

from the establishment of equal freedom to the end of the Punic wars, the city was never disturbed by sedition, and rarely polluted with atrocious crimes. The failure of penal laws was more sensibly felt when every vice was inflamed by faction at home and dominion abroad. In the time of Cicero, each private citizen enjoyed the privilege of anarchy: each minister of the republic was exalted to the temptations of regal power, and their virtues are entitled to the warmest praise as the spontaneous fruits of nature or philosophy. After a triennial indulgence of lust, rapine, and cruelty, Verres, the tyrant of Sicily, could only be sued for the pecuniary restitution of three hundred thousand pounds sterling; and such was the temper of the laws, the judges, and perhaps the accuser himself¹⁸³, that on refunding a thirteenth part of his plunder, Verres could retire to an easy and luxurious exile¹⁸⁴.

The first imperfect attempt to restore the proportion of crimes and punishments, was made by the dictator Sylla, who in the midst of his sanguinary triumph, aspired to restrain the licence, rather than to oppress the liberty, of the Romans. He gloried in the arbitrary proscription of four thousand seven hundred citizens¹⁸⁵. But in the character of a legislator, he respected the prejudices of the times; and instead of pronouncing a sentence of death against the robber or assassin, the general who betrayed an army, or the magistrate who ruined a province, Sylla

Revival of
capital punishments.

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C H A P. XLIV. was content to aggravate the pecuniary damages by the penalty of exile, or, in more constitutional language, by the interdiction of fire and water. The Cornelian, and afterwards the Pompeian, and Julian, laws introduced a new system of criminal jurisprudence¹⁸⁶; and the emperors, from Augustus to Justinian, disguised their encreasing rigour under the names of the original authors. But the invention and frequent use of *extraordinary pains*, proceeded from the desire to extend and conceal the progress of despotism. In the condemnation of illustrious Romans, the senate was always prepared to confound, at the will of their masters, the judicial and legislative powers. It was the duty of the governors to maintain the peace of their province, by the arbitrary and rigid administration of justice; the freedom of the city evaporated in the extent of empire, and the Spanish malefactor, who claimed the privilege of a Roman, was elevated by the command of Galba on a fairer and more lofty cross¹⁸⁷. Occasional rescripts issued from the throne to decide the questions which, by their novelty or importance, appeared to surpass the authority and discernment of a proconsul. Transportation and beheading were reserved for honourable persons; meaner criminals were either hanged or burnt, or buried in the mines, or exposed to the wild beasts of the amphitheatre. Armed robbers were pursued and extirpated as the enemies of society; the driving away horses or cattle was made a capital offence¹⁸⁸, but

simple theft was uniformly considered as a mere civil and private injury. The degrees of guilt, and the modes of punishment, were too often determined by the discretion of the rulers, and the subject was left in ignorance of the legal danger which he might incur by every action of his life.

A fin, a vice, a crime, are the objects of theology, ethics, and jurisprudence. Whenever their judgments agree, they corroborate each other; but as often as they differ, a prudent legislator appreciates the guilt and punishment according to the measure of social injury. On this principle, the most daring attack on the life and property of a private citizen, is judged less atrocious than the crime of treason or rebellion, which invades the *majesty* of the republic: the obsequious civilians unanimously pronounced, that the republic is contained in the person of its chief; and the edge of the Julian law was sharpened by the incessant diligence of the emperors. The licentious commerce of the sexes may be tolerated as an impulse of nature, or forbidden as a source of disorder and corruption: but the fame, the fortunes, the family of the husband, are seriously injured by the adultery of the wife. The wisdom of Augustus, after curbing the freedom of revenge, applied to this domestic offence the animadversion of the laws; and the guilty parties, after the payment of heavy forfeitures and fines, were condemned to long or perpetual exile in two separate

C H A P. XLIV. islands ¹⁸⁹. Religion pronounces an equal censure against the infidelity of the husband; but as it is not accompanied by the same civil effects, the wife was never permitted to vindicate her wrongs ¹⁹⁰; and the distinction of simple or double adultery, so familiar and so important in the canon law, is unknown to the jurisprudence of the Code and Pandects. I touch with reluctance, and dispatch with impatience, a more odious vice, of which modesty rejects the name, and nature abominates the idea. The primitive Romans were infected by the example of the Etruscans ¹⁹¹ and Greeks ¹⁹²: in the mad abuse of prosperity and power, every pleasure that is innocent was deemed insipid; and the Scatinian law ¹⁹³, which had been extorted by an act of violence, was insensibly abolished by the lapse of time and the multitude of criminals. By this law, the rape, perhaps the seduction, of an ingenuous youth, was compensated, as a personal injury, by the poor damages of ten thousand sesterces or fourscore pounds; the ravisher might be slain by the resistance or revenge of chastity; and I wish to believe, that at Rome, as in Athens, the voluntary and effeminate deserter of his sex was degraded from the honours and the rights of a citizen ¹⁹⁴. But the practice of vice was not discouraged by the severity of opinion: the indelible stain of manhood was confounded with the more venial transgressions of fornication and adultery, nor was the licentious lover exposed to the same dishonour which he impressed on the male or

Unnatural
vice.

female partner of his guilt. From Catullus to Juvenal ¹⁹⁵, the poets accuse and celebrate the degeneracy of the times, and the reformation of manners was feebly attempted by the reason and authority of the civilians, till the most virtuous of the Cæsars proscribed the sin against nature as a crime against society ¹⁹⁶.

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A new spirit of legislation, respectable even in its error, arose in the empire with the religion of Constantine ¹⁹⁷. The laws of Moses were received as the divine original of justice, and the Christian princes adapted their penal statutes to the degrees of moral and religious turpitude. Adultery was first declared to be a capital offence; the frailty of the sexes was assimilated to poison or assassination, to forcery or parricide; the same penalties were inflicted on the passive and active guilt of pæderasty; and all criminals of free or servile condition were either drowned or beheaded, or cast alive into the avenging flames. The adulterers were spared by the common sympathy of mankind; but the lovers of their own sex were pursued by general and pious indignation: the impure manners of Greece still prevailed in the cities of Asia, and every vice was fomented by the celibacy of the monks and clergy. Justinian relaxed the punishment at least of female infidelity; the guilty spouse was only condemned to solitude and penance, and at the end of two years she might be recalled to the arms of a forgiving husband. But the same emperor declared himself the implacable enemy of unmanly

Rigour of
the Christian
emperors.

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lust, and the cruelty of his persecution can scarcely be excused by the purity of his motives ¹⁹⁸. In defiance of every principle of justice, he stretched to past as well as future offences the operations of his edicts, with the previous allowance of a short respite for confession and pardon. A painful death was inflicted by the amputation of the sinful instrument, or the insertion of sharp reeds into the pores and tubes of most exquisite sensibility; and Justinian defended the propriety of the execution, since the criminals would have lost their hands had they been convicted of sacrilege. In this state of disgrace and agony, two bishops, Isaiiah of Rhodes, and Alexander of Diospolis, were dragged through the streets of Constantinople, while their brethren were admonished by the voice of a cryer, to observe this awful lesson, and not to pollute the sanctity of their character. Perhaps these prelates were innocent. A sentence of death and infamy was often founded on the flight and suspicious evidence of a child or a servant: the guilt of the green faction, of the rich, and of the enemies of Theodora, was presumed by the judges, and pæderasty became the crime of those to whom no crime could be imputed. A French philosopher ¹⁹⁹ has dared to remark, that whatever is secret must be doubtful, and that our natural horror of vice may be abused as an engine of tyranny. But the favourable persuasion of the same writer, that a legislator may confide in the taste and reason of mankind, is impeached by the
unwelcome

unwelcome discovery of the antiquity and extent of the disease ²⁰⁰. C H A P.

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The free citizens of Athens and Rome enjoyed, in all criminal cases, the invaluable privilege of being tried by their country ²⁰¹. Judgments of the people. I. The administration of justice is the most ancient office of a prince: it was exercised by the Roman kings, and abused by Tarquin; who alone, without law or council, pronounced his arbitrary judgments. The first consuls succeeded to this regal prerogative; but the sacred right of appeal soon abolished the jurisdiction of the magistrates, and all public causes were decided by the supreme tribunal of the people. But a wild democracy, superior to the forms, too often disdains the essential principles, of justice: the pride of despotism was envenomed by plebeian envy, and the heroes of Athens might sometimes applaud the happiness of the Persian, whose fate depended on the caprice of a *single* tyrant. Some salutary restraints, imposed by the people on their own passions, were at once the cause and effect of the gravity and temperance of the Romans. The right of accusation was confined to the magistrates. A vote of the thirty-five tribes could inflict a fine; but the cognizance of all capital crimes was reserved by a fundamental law to the assembly of the centuries, in which the weight of influence and property was sure to preponderate. Repeated proclamations and adjournments were interposed, to allow time for prejudice and resentment to subside; the whole proceeding might

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be annulled by a seasonable omen, or the opposition of a tribune; and such popular trials were commonly less formidable to innocence, than they were favourable to guilt. But this union of the judicial and legislative powers, left it doubtful whether the accused party was pardoned or acquitted; and in the defence of an illustrious client, the orators of Rome and Athens address their arguments to the policy and benevolence, as well as to the justice of their sovereign. 2. The task of convening the citizens for the trial of each offender became more difficult, as the citizens and the offenders continually multiplied; and the ready expedient was adopted of delegating the jurisdiction of the people to the ordinary magistrates, or to extraordinary *inquisitors*. In the first ages these questions were rare and occasional. In the beginning of the seventh century of Rome they were made perpetual: four prætors were annually empowered to sit in judgment on the state offences of treason, extortion, peculation, and bribery; and Sylla added new prætors and new questions for those crimes which more directly injure the safety of individuals. By these *inquisitors* the trial was prepared and directed; but they could only pronounce the sentence of the majority of *judges*, who with some truth, and more prejudice, have been compared to the English juries²⁰². To discharge this important though burthensome office, an annual list of ancient and respectable citizens was formed by the prætor. After many constitutional

struggles, they were chosen in equal numbers from the senate, the equestrian order, and the people; four hundred and fifty were appointed for single questions; and the various rolls or *decuries* of judges must have contained the names of some thousand Romans, who represented the judicial authority of the state. In each particular cause, a sufficient number was drawn from the urn; their integrity was guarded by an oath; the mode of ballot secured their independence; the suspicion of partiality was removed by the mutual challenges of the accuser and defendant; and the judges of Milo, by the retrenchment of fifteen on each side, were reduced to fifty-one voices or tablets, of acquittal, of condemnation, or of favourable doubt²⁰³. 3. In his civil jurisdiction, the prætor of the city was truly a judge, and almost a legislator; but as soon as he had prescribed the action of law, he often referred to a delegate the determination of the fact. With the increase of legal proceedings, the tribunal of the centumvirs, in which he presided, acquired more weight and reputation. But whether he acted alone, or with the advice of his council, the most absolute powers might be trusted to a magistrate who was annually chosen by the votes of the people. The rules and precautions of freedom have required some explanation; the order of despotism is simple and inanimate. Before the age of Justinian, or perhaps of Diocletian, the decuries of Roman judges had sunk to an empty title: the humble advice of the assessors.

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exile and
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fors might be accepted or despised; and in each tribunal the civil and criminal jurisdiction was administered by a single magistrate, who was raised and disgraced by the will of the emperor.

A Roman accused of any capital crime might prevent the sentence of the law by voluntary exile, or death. Till his guilt had been legally proved, his innocence was presumed, and his person was free: till the votes of the last *century* had been counted and declared, he might peaceably secede to any of the allied cities of Italy, or Greece, or Asia²⁰⁴. His fame and fortunes were preserved, at least to his children, by this civil death; and he might still be happy in every rational and sensual enjoyment, if a mind accustomed to the ambitious tumult of Rome could support the uniformity and silence of Rhodes or Athens. A bolder effort was required to escape from the tyranny of the Cæsars; but this effort was rendered familiar by the maxims of the Stoics, the example of the bravest Romans, and the legal encouragements of suicide. The bodies of condemned criminals were exposed to public ignominy, and their children, a more serious evil, were reduced to poverty by the confiscation of their fortunes. But if the victims of Tiberius and Nero anticipated the decree of the prince or senate, their courage and dispatch were recompensed by the applause of the public, the decent honours of burial, and the validity of their testaments²⁰⁵. The exquisite avarice and cruelty of Domitian appears to have deprived the unfortunate of this

last consolation, and it was still denied even by the clemency of the Antonines. A voluntary death, which, in the case of a capital offence, intervened between the accusation and the sentence, was admitted as a confession of guilt, and the spoils of the deceased were seized by the inhuman claims of the treasury ²⁰⁶. Yet the civilians have always respected the natural right of a citizen to dispose of his life; and the posthumous disgrace invented by Tarquin ²⁰⁷ to check the despair of his subjects, was never revived or imitated by succeeding tyrants. The powers of this world have indeed lost their dominion over him who is resolved on death; and his arm can only be restrained by the religious apprehension of a future state. Suicides are enumerated by Virgil among the unfortunate, rather than the guilty ²⁰⁸; and the poetical fables of the infernal shades could not seriously influence the faith or practice of mankind. But the precepts of the gospel, or the church, have at length imposed a pious servitude on the minds of Christians, and condemn them to expect, without a murmur, the last stroke of disease or the executioner.

The penal statutes form a very small proportion of the sixty-two books of the Code and Pandects: and, in all judicial proceeding, the life or death of a citizen is determined with less caution and delay than the most ordinary question of covenant or inheritance. This singular distinction, though something may be allowed for the urgent necessity of defending the peace of society, is derived

Abuses of
civil jurispru-
dence.

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from the nature of criminal and civil jurisprudence. Our duties to the state are simple and uniform; the law by which he is condemned, is inscribed not only on brass or marble, but on the conscience of the offender, and his guilt is commonly proved by the testimony of a single fact. But our relations to each other are various and infinite: our obligations are created, annulled, and modified, by injuries, benefits, and promises; and the interpretation of voluntary contracts and testaments, which are often dictated by fraud or ignorance, affords a long and laborious exercise to the sagacity of the judge. The business of life is multiplied by the extent of commerce and dominion, and the residence of the parties in the distant provinces of an empire, is productive of doubt, delay, and inevitable appeals from the local to the supreme magistrate. Justinian, the Greek emperor of Constantinople and the East, was the legal successor of the Latian shepherd who had planted a colony on the banks of the Tyber. In a period of thirteen hundred years, the laws had reluctantly followed the changes of government and manners; and the laudable desire of conciliating ancient names with recent institutions, destroyed the harmony, and swelled the magnitude of the obscure and irregular system. The laws which excuse on any occasions the ignorance of their subjects, confess their own imperfections; the civil jurisprudence, as it was abridged by Justinian, still continued a mysterious science and a profitable trade, and the innate per-

plexity of the study was involved in tenfold darkness by the private industry of the practitioners. The expence of the pursuit sometimes exceeded the value of the prize, and the fairest rights were abandoned by the poverty or prudence of the claimants. Such costly justice might tend to abate the spirit of litigation, but the unequal pressure serves only to encrease the influence of the rich, and to aggravate the misery of the poor. By these dilatory and expensive proceedings, the wealthy pleader obtains a more certain advantage than he could hope from the accidental corruption of his judge. The experience of an abuse, from which our own age and country are not perfectly exempt, may sometimes provoke a generous indignation, and extort the hasty wish of exchanging our elaborate jurisprudence for the simple and summary decrees of a Turkish cadhi. Our calmer reflection will suggest, that such forms and delays are necessary to guard the person and property of the citizen; that the discretion of the judge is the first engine of tyranny, and that the laws of a free people should foresee and determine every question that may probably arise in the exercise of power and the transactions of industry. But the government of Justinian united the evils of liberty and servitude; and the Romans were oppressed at the same time by the multiplicity of their laws and the arbitrary will of their master.

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Reign of the younger Justin. — Embassy of the Avars. — Their Settlement on the Danube. — Conquest of Italy by the Lombards. — Adoption and Reign of Tiberius. — Of Maurice. — State of Italy under the Lombards and the Exarchs. — Of Ravenna. — Distress of Rome. — Character and Pontificate of Gregory the First.

CHAP.

XLV.

Death of
Justinian,
A. D. 565,
Nov. 14.

DURING the last years of Justinian, his infirm mind was devoted to heavenly contemplation, and he neglected the business of the lower world. His subjects were impatient of the long continuance of his life and reign: yet all who were capable of reflection, apprehended the moment of his death, which might involve the capital in tumult, and the empire in civil war. Seven nephews^r of the childless monarch, the sons or grandsons of his brother and sister, had been educated in the splendour of a princely fortune; they had been shewn in high commands to the provinces and armies; their characters were known, their followers were zealous, and as the jealousy of age postponed the declaration of a successor, they might expect with equal hopes the inheritance of their uncle. He expired in his palace after a reign of thirty-eight years;

and the decisive opportunity was embraced by the friends of Justin the son of Vigilantia². At the hour of midnight, his domestics were awakened by an importunate crowd who thundered at his door, and obtained admittance by revealing themselves to be the principal members of the senate. These welcome deputies announced the recent and momentous secret of the emperor's decease: reported, or perhaps invented, his dying choice of the best beloved and most deserving of his nephews, and conjured Justin to prevent the disorders of the multitude, if they should perceive, with the return of light, that they were left without a master. After composing his countenance to surprise, sorrow, and decent modesty, Justin, by the advice of his wife Sophia, submitted to the authority of the senate. He was conducted with speed and silence to the palace, the guards saluted their new sovereign, and the martial and religious rites of his coronation were diligently accomplished. By the hands of the proper officers, he was invested with the Imperial garments, the red buskins, white tunic, and purple robe. A fortunate foldier, whom he instantly promoted to the rank of tribune, encircled his neck with a military collar; four robust youths exalted him on a shield: he stood firm and erect to receive the adoration of his subjects; and their choice was sanctified by the benediction of the patriarch, who imposed the diadem on the head of an orthodox prince. The hippodrome was already filled with innumerable multitudes, and

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Reign of
Justin II. or
the younger,

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A. D. 565,

Nov. 15—

A. D. 574,

December.

His consul-
ship,

A. D. 566,

January 1.

no sooner did the emperor appear on his throne, than the voices of the blue and the green factions were confounded in the same loyal acclamations. In the speeches which Justin addressed to the senate and people, he promised to correct the abuses which had disgraced the age of his predecessor, displayed the maxims of a just and beneficent government, and declared, that on the approaching calends of January³, he would revive in his own person the name and liberality of a roman consul. The immediate discharge of his uncle's debts exhibited a solid pledge of his faith and generosity: a train of porters, laden with bags of gold, advanced into the midst of the hippodrome, and the hopeless creditors of Justinian accepted this equitable payment as a voluntary gift. Before the end of three years, his example was imitated and surpassed by the empress Sophia, who delivered many indigent citizens from the weight of debt and usury: an act of benevolence the best entitled to gratitude, since it relieves the most intolerable distress; but in which the bounty of a prince is the most liable to be abused by the claims of prodigality and fraud⁴.

Embassy of
the Avars,
A. D. 566.

On the seventh day of his reign, Justin gave audience to the ambassadors of the Avars, and the scene was decorated to impress the Barbarians with astonishment, veneration, and terror. From the palace gate, the spacious courts and long porticos were lined with the lofty crests and gilt bucklers of the guards, who presented their

spears and axes with more confidence than they would have shewn in a field of battle. The officers who exercised the power, or attended the person, of the prince, were attired in their richest habits, and arranged according to the military and civil order of the hierarchy. When the veil of the sanctuary was withdrawn, the ambassadors beheld the emperor of the East on his throne, beneath a canopy or dome, which was supported by four columns, and crowned with a winged figure of Victory. In the first emotions of surprise, they submitted to the servile adoration of the Byzantine court; but as soon as they rose from the ground, Targetius, the chief of the embassy, expressed the freedom and pride of a Barbarian. He extolled, by the tongue of his interpreter, the greatness of the chagan, by whose clemency the kingdoms of the South were permitted to exist, whose victorious subjects had traversed the frozen rivers of Scythia, and who now covered the banks of the Danube with innumerable tents. The late emperor had cultivated, with annual and costly gifts, the friendship of a grateful monarch, and the enemies of Rome had respected the allies of the Avars. The same prudence would instruct the nephew of Justinian to imitate the liberality of his uncle, and to purchase the blessings of peace from an invincible people, who delighted and excelled in the exercise of war. The reply of the emperor was delivered in the same strain of haughty defiance, and he derided his confi-

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dence from the God of the Christians, the ancient glory of Rome, and the recent triumphs of Justinian. "The empire," said he, "abounds with men and horses, and arms sufficient to defend our frontiers, and to chastise the Barbarians. You offer aid, you threaten hostilities: we despise your enmity and your aid. The conquerors of the Avars solicit our alliance; shall we dread their fugitives and exiles? The bounty of our uncle was granted to your misery, to your humble prayers. From us you shall receive a more important obligation, the knowledge of your own weakness. Retire from our presence; the lives of ambassadors are safe; and if you return to implore our pardon, perhaps you will taste of our benevolence." On the report of his ambassadors, the chagan was awed by the apparent firmness of a Roman emperor, of whose character and resources he was ignorant. Instead of executing his threats against the Eastern empire, he marched into the poor and savage countries of Germany, which were subject to the dominion of the Franks. After two doubtful battles, he consented to retire, and the Austrasian king relieved the distress of his camp with an immediate supply of corn and cattle. Such repeated disappointments had chilled the spirit of the Avars, and their power would have dissolved away in the Sarmatian desert, if the alliance of Alboin, king of the Lombards, had not given

a new object to their arms, and a lasting settlement to their wearied fortunes. CHAP. XLV.

While Alboin served under his father's standard, he encountered in battle, and transpierced with his lance, the rival prince of the Gepidæ. The Lombards, who applauded such early prowess, requested his father with unanimous acclamations, that the heroic youth, who had shared the dangers of the field, might be admitted to the feast of victory. "You are not unmindful," replied the inflexible Audoin, "of the wise customs of our ancestors. Whatever may be his merit, a prince is incapable of sitting at table with his father till he has received his arms from a foreign and royal hand." Alboin bowed with reverence to the institutions of his country; selected forty companions, and boldly visited the court of Turisund king of the Gepidæ, who embraced and entertained, according to the laws of hospitality, the murderer of his son. At the banquet, whilst Alboin occupied the seat of the youth whom he had slain, a tender remembrance arose in the mind of Turisund. "How dear is that place — how hateful is that person —" were the words that escaped, with a sigh, from the indignant father. His grief exasperated the national resentment of the Gepidæ; and Cunimund, his surviving son, was provoked by wine, or fraternal affection, to the desire of vengeance. "The Lombards," said the rude Barbarian, "resemble, in figure and in smell, the mares of

Alboin, king of the Lombards—his valour, love and revenge.

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“our Sarmatian plains.” And this insult was a coarse allusion to the white bands which enveloped their legs. “Add another resemblance,” replied an audacious Lombard; “you have felt how strongly they kick. Visit the plain of Asfeld, and seek for the bones of thy brother; they are mingled with those of the vilest animals.” The Gepidæ, a nation of warriors, started from their seats, and the fearless Alboin, with his forty companions, laid their hands on their swords. The tumult was appeased by the venerable interposition of Turisfund. He saved his own honour, and the life of his guest; and after the solemn rites of investiture, dismissed the stranger in the bloody arms of his son; the gift of a weeping parent. Alboin returned in triumph; and the Lombards, who celebrated his matchless intrepidity, were compelled to praise the virtues of an enemy^s. In this extraordinary visit he had probably seen the daughter of Cunimund, who soon after ascended the throne of the Gepidæ. Her name was Rosamond, an appellation expressive of female beauty, and which our own history or romance has consecrated to amorous tales. The king of the Lombards (the father of Alboin no longer lived) was contracted to the grand-daughter of Clovis; but the restraints of faith and policy soon yielded to the hope of possessing the fair Rosamond, and of insulting her family and nation. The arts of persuasion were tried without success; and the impatient lover, by

force and stratagem, obtained the object of his desires. War was the consequence which he foresaw and solicited; but the Lombards could not long withstand the furious assault of the Gepidæ, who were sustained by a Roman army. And as the offer of marriage was rejected with contempt, Alboin was compelled to relinquish his prey, and to partake of the disgrace which he had inflicted on the house of Cuni-
mund.

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When a public quarrel is envenomed by private injuries, a blow that is not mortal or decisive can be productive only of a short truce, which allows the unsuccessful combatant to sharpen his arms for a new encounter. The strength of Alboin had been found unequal to the gratification of his love, ambition, and revenge: he condescended to implore the formidable aid of the chagan; and the arguments that he employed are expressive of the art and policy of the Barbarians. In the attack of the Gepidæ, he had been prompted by the just desire of extirpating a people whom their alliance with the Roman empire had rendered the common enemies of the nations, and the personal adversaries of the chagan. If the forces of the Avars and the Lombards should unite in this glorious quarrel, the victory was secure, and the reward inestimable: the Danube, the Hebrus, Italy, and Constantinople, would be exposed, without a barrier, to their invincible arms. But if they hesitated or delayed to prevent the malice of the

The Lombards and Avars destroy the king and kingdom of the Gepidæ, A. D. 566.

C H A P. XLV. Romans, the same spirit which had insulted, would pursue the Avars to the extremity of the earth. These specious reasons were heard by the chagan with coldness and disdain: he detained the Lombard ambassadors in his camp, protracted the negociation, and by turns alleged his want of inclination, or his want of ability, to undertake this important enterprize. At length he signified the ultimate price of his alliance, that the Lombards should immediately present him with the tythe of their cattle; that the spoils and captives should be equally divided; but that the lands of the Gepidæ should become the sole patrimony of the Avars. Such hard conditions were eagerly accepted by the passions of Alboin; and as the Romans were dissatisfied with the ingratitude and perfidy of the Gepidæ, Justin abandoned that incorrigible people to their fate, and remained the tranquil spectator of this unequal conflict. The despair of Cunimund was active and dangerous. He was informed that the Avars had entered his confines; but on the strong assurance, that, after the defeat of the Lombards, these foreign invaders would easily be repelled, he rushed forwards to encounter the implacable enemy of his name and family. But the courage of the Gepidæ could secure them no more than an honourable death. The bravest of the nation fell in the field of battle; the king of the Lombards contemplated with delight the head of Cunimund, and his skull was fashioned into a cup to satiate the hatred of the conqueror,

conqueror, or, perhaps, to comply with the savage custom of his country ¹⁰. After this victory, no farther obstacle could impede the progress of the confederates, and they faithfully executed the terms of their agreement ¹¹. The fair countries of Walachia, Moldavia, Transylvania, and the parts of Hungary beyond the Danube, were occupied, without resistance, by a new colony of Scythians; and the Dacian empire of the chagans subsisted with splendour above two hundred and thirty years. The nation of the Gepidæ was dissolved; but in the distribution of the captives, the slaves of the Avars were less fortunate than the companions of the Lombards, whose generosity adopted a valiant foe, and whose freedom was incompatible with cool and deliberate tyranny. One moiety of the spoil introduced into the camp of Alboin more wealth than a Barbarian could readily compute. The fair Rosamond was persuaded, or compelled, to acknowledge the rights of her victorious lover; and the daughter of Cunimund appeared to forgive those crimes which might be imputed to her own irresistible charms.

The destruction of a mighty kingdom established the fame of Alboin. In the days of Charlemagne, the Bavarians, the Saxons, and the other tribes of the Teutonic language, still repeated the songs which described the heroic virtues, the valour, liberality, and fortune of the king of the Lombards ¹². But his ambition was yet unsatisfied; and the conqueror of the

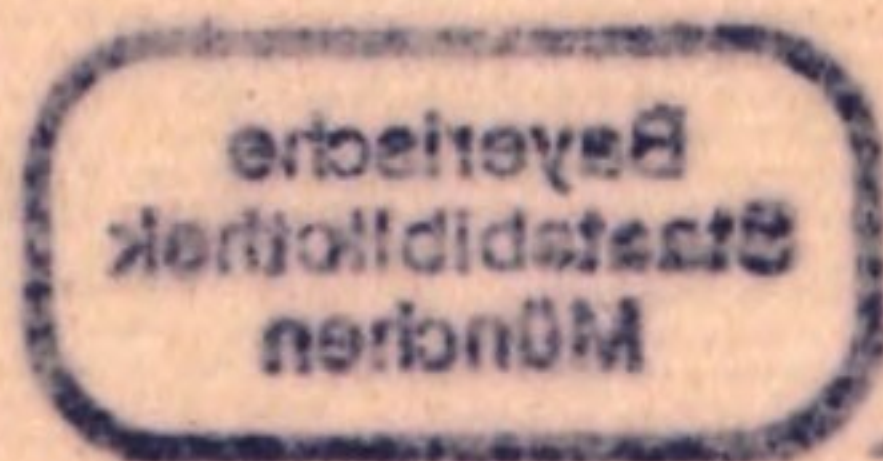
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Alboin undertakes the conquest of Italy,
A. D. 567.

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Gepidæ turned his eyes from the Danube to the richer banks of the Po and the Tyber. Fifteen years had not elapsed, since his subjects, the confederates of Narfes, had visited the pleasant climate of Italy: the mountains, the rivers, the highways, were familiar to their memory: the report of their success, perhaps the view of their spoils, had kindled in the rising generation the flame of emulation and enterprize. Their hopes were encouraged by the spirit and eloquence of Alboin; and it is affirmed, that he spoke to their senses, by producing, at the royal feast, the fairest and most exquisite fruits that grew spontaneously in the garden of the world. No sooner had he erected his standard, than the native strength of the Lombards was multiplied by the adventurous youth of Germany and Scythia. The robust peasantry of Noricum and Pannonia had resumed the manners of Barbarians; and the names of the Gepidæ, Bulgarians, Sarmatians, and Bavarians, may be distinctly traced in the provinces of Italy¹³. Of the Saxons, the old allies of the Lombards, twenty thousand warriors, with their wives and children, accepted the invitation of Alboin. Their bravery contributed to his success; but the accession or the absence of their numbers was not sensibly felt in the magnitude of his host. Every mode of religion was freely practised by its respective votaries. The king of the Lombards had been educated in the Arian heresy; but the Catholics,



in their public worship, were allowed to pray for his conversion ; while the more stubborn Barbarians sacrificed a she-goat, or perhaps a captive, to the gods of their fathers¹⁴. The Lombards, and their confederates, were united by their common attachment to a chief, who excelled in all the virtues and vices of a savage hero ; and the vigilance of Alboin provided an ample magazine of offensive and defensive arms for the use of the expedition. The portable wealth of the Lombards attended the march ; their lands they cheerfully relinquished to the Avars, on the solemn promise, which was made and accepted without a smile, that if they failed in the conquest of Italy, these voluntary exiles should be reinstated in their former possessions.

They might have failed, if Narfes had been the antagonist of the Lombards ; and the veteran warriors, the associates of his Gothic victory, would have encountered with reluctance an enemy whom they dreaded and esteemed. But the weakness of the Byzantine court was subservient to the Barbarian cause ; and it was for the ruin of Italy, that the emperor once listened to the complaints of his subjects. The virtues of Narfes were stained with avarice ; and in his provincial reign of fifteen years, he accumulated a treasure of gold and silver which surpassed the modesty of a private fortune. His government was oppressive or unpopular, and the general discontent was expressed with freedom by the deputies of Rome. Before the throne of Justin they boldly

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declared, that their Gothic servitude had been more tolerable than the despotism of a Greek eunuch; and that, unless their tyrant were instantly removed, they would consult their own happiness in the choice of a master. The apprehension of a revolt was urged by the voice of envy and detraction, which had so recently triumphed over the merit of Belisarius. A new exarch, Longinus, was appointed to supersede the conqueror of Italy, and the base motives of his recal were revealed in the insulting mandate of the empress Sophia, "that he should leave
 " to *men* the exercise of arms, and return to his
 " proper station among the maidens of the palace,
 " where a distaff should be again placed in the
 " hand of the eunuch." "I will spin her such
 " a thread, as she shall not easily unravel!" is said to have been the reply which indignation and conscious virtue extorted from the hero. Instead of attending, a slave and a victim, at the gate of the Byzantine palace, he retired to Naples, from whence (if any credit is due to the belief of the times) Narses invited the Lombards to chastise the ingratitude of the prince and people¹⁵. But the passions of the people are furious and changeable, and the Romans soon recollected the merits, or dreaded the resentment, of their victorious general. By the mediation of the pope, who undertook a special pilgrimage to Naples, their repentance was accepted; and Narses, assuming a milder aspect and a more dutiful language, consented to fix his

residence in the Capitol. His death ¹⁶, though in the extreme period of old age, was unseasonable and premature, since *his* genius alone could have repaired the last and fatal error of his life. The reality, or the suspicion, of a conspiracy disarmed and disunited the Italians. The soldiers resented the disgrace, and bewailed the loss of their general. They were ignorant of their new exarch; and Longinus was himself ignorant of the state of the army and the province. In the preceding years Italy had been desolated by pestilence and famine, and a disaffected people ascribed the calamities of Nature to the guilt or folly of their rulers ¹⁷.

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Whatever might be the grounds of his security, Alboin neither expected nor encountered a Roman army in the field. He ascended the Julian Alps, and looked down with contempt and desire on the fruitful plains to which his victory communicated the perpetual appellation of LOMBARDY. A faithful chieftain, and a select band, were stationed at Forum Julii, the modern Friuli, to guard the passes of the mountains. The Lombards respected the strength of Pavia, and listened to the prayers of the Trevisans; their slow and heavy multitudes proceeded to occupy the palace and city of Verona; and Milan, now rising from her ashes, was invested by the powers of Alboin five months after his departure from Pannonia. Terror preceded his march; he found every where, or he left, a dreary solitude; and the pusillanimous Italians presumed, without a

Conquest of
a great part
of Italy by the
Lombards,
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trial, that the stranger was invincible. Escaping to lakes, or rocks, or morasses, the affrighted crowds concealed some fragments of their wealth, and delayed the moment of their servitude. Paulinus, the patriarch of Aquileia, removed his treasures, sacred and profane, to the isle of Grado¹⁸, and his successors were adopted by the infant republic of Venice, which was continually enriched by the public calamities. Honoratus, who filled the chair of St. Ambrose, had credulously accepted the faithless offers of a capitulation; and the archbishop, with the clergy and nobles of Milan, were driven by the perfidy of Alboin to seek a refuge in the less accessible ramparts of Genoa. Along the maritime coast, the courage of the inhabitants was supported by the facility of supply, the hopes of relief, and the power of escape; but from the Trentine hills to the gates of Ravenna and Rome, the inland regions of Italy became, without a battle or a siege, the lasting patrimony of the Lombards. The submission of the people invited the Barbarian to assume the character of a lawful sovereign, and the helpless exarch was confined to the office of announcing to the emperor Justin, the rapid and irretrievable loss of his provinces and cities¹⁹. One city, which had been diligently fortified by the Goths, resisted the arms of a new invader; and while Italy was subdued by the flying detachments of the Lombards, the royal camp was fixed above three years before the western gate of Ticinum, or Pavia. The

same courage which obtains the esteem of a civilised enemy, provokes the fury of a savage, and the impatient besieger had bound himself by a tremendous oath, that age, and sex, and dignity, should be confounded in a general massacre. The aid of famine at length enabled him to execute his bloody vow; but as Alboin entered the gate, his horse stumbled, fell, and could not be raised from the ground. One of his attendants was prompted by compassion, or piety, to interpret this miraculous sign of the wrath of heaven: the conqueror paused and relented; he sheathed his sword, and, peacefully reposing himself in the palace of Theodoric, proclaimed to the trembling multitude, that they should live and obey. Delighted with the situation of a city, which was endeared to his pride by the difficulty of the purchase, the prince of the Lombards disdained the ancient glories of Milan; and Pavia, during some ages, was respected as the capital of the kingdom of Italy²².

The reign of the founder was splendid and transient; and before he could regulate his new conquests, Alboin fell a sacrifice to domestic treason and female revenge. In a palace near Verona, which had not been erected for the Barbarians, he feasted the companions of his arms: intoxication was the reward of valour, and the king himself was tempted by appetite, or vanity, to exceed the ordinary measure of his intemperance. After draining many capacious bowls of Rhætian or Falernian wine, he called

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Alboin is
murdered by
his wife
Rosamond,
A. D. 573,
June 28.

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for the skull of Cunimund, the noblest and most precious ornament of his sideboard. The cup of victory was accepted with horrid applause by the circle of the Lombard chiefs. "Fill it again with wine," exclaimed the inhuman conqueror, "fill it to the brim; carry this goblet to the queen and request in my name that she would rejoice with her father." In an agony of grief and rage, Rosamond had strength to utter, "Let the will of my lord be obeyed!" and touching it with her lips, pronounced a silent imprecation, that the insult should be washed away in the blood of Alboin. Some indulgence might be due to the resentment of a daughter, if she had not already violated the duties of a wife. Implacable in her enmity, or inconstant in her love, the queen of Italy had stooped from the throne to the arms of a subject, and Helmichis, the king's armour-bearer, was the secret minister of her pleasure and revenge. Against the proposal of the murder, he could no longer urge the scruples of fidelity or gratitude; but Helmichis trembled, when he revolved the danger as well as the guilt, when he recollected the matchless strength and intrepidity of a warrior, whom he had so often attended in the field of battle. He pressed, and obtained, that one of the bravest champions of the Lombards should be associated to the enterprise, but no more than a promise of secrecy could be drawn from the gallant Peredeus; and the mode of seduction employed by Rosamond betrays her shameless insensibility both to honour

and love. She supplied the place of one of her female attendants who was beloved by Peredeus, and contrived some excuse for darkness and silence, till she could inform her companion that he had enjoyed the queen of the Lombards, and that his own death, or the death of Alboin, must be the consequence of such treasonable adultery. In this alternative, he chose rather to be the accomplice than the victim of Rosamond²¹, whose undaunted spirit was incapable of fear or remorse. She expected, and soon found a favourable moment, when the king, oppressed with wine, had retired from the table to his afternoon slumbers. His faithless spouse was anxious for his health and repose: the gates of the palace were shut, the arms removed, the attendants dismissed, and Rosamond, after lulling him to rest by her tender caresses, unbolted the chamber-door, and urged the reluctant conspirators to the instant execution of the deed. On the first alarm, the warrior started from his couch; his sword, which he attempted to draw, had been fastened to the scabbard by the hand of Rosamond; and a small stool, his only weapon, could not long protect him from the spears of the assassins. The daughter of Cunimund smiled in his fall; his body was buried under the stair-case of the palace, and the grateful posterity of the Lombards revered the tomb and the memory of their victorious leader.

The ambitious Rosamond aspired to reign in the name of her lover; the city and palace of Verona were awed by her power, and a faithful

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band of her native Gepidæ was prepared to applaud the revenge, and to second the wishes, of their sovereign. But the Lombard chiefs, who fled in the first moments of consternation and disorder, had resumed their courage and collected their powers; and the nation, instead of submitting to her reign, demanded with unanimous cries, that justice should be executed on the guilty spouse and the murderers of their king. She sought a refuge among the enemies of her country, and a criminal who deserved the abhorrence of mankind was protected by the selfish policy of the exarch. With her daughter, the heiress of the Lombard throne, her two lovers, her trusty Gepidæ, and the spoils of the palace of Verona, Rosamond descended the Adige and the Po, and was transported by a Greek vessel to the safe harbour of Ravenna. Longinus beheld with delight the charms and the treasures of the widow of Alboin: her situation and her past conduct might justify the most licentious proposals; and she readily listened to the passion of a minister, who, even in the decline of the empire, was respected as the equal of kings. The death of a jealous lover was an easy and grateful sacrifice, and as Helmichis issued from the bath, he received the deadly potion from the hand of his mistress. The taste of the liquor, its speedy operation, and his experience of the character of Rosamond, convinced him that he was poisoned: he pointed his dagger to her breast, compelled her to drain the remainder of the cup,

and expired in a few minutes, with the consolation, that she could not survive to enjoy the fruits of her wickedness. The daughter of Alboin and Rosamond, with the richest spoils of the Lombards, was embarked for Constantinople; the surprising strength of Peredeus amused and terrified the Imperial court: his blindness and revenge exhibited an imperfect copy of the adventures of Sampson. By the free suffrage of the nation, in the assembly of Pavia, Clepho, one of their noblest chiefs, was elected as the successor of Alboin. Before the end of eighteen months, the throne was polluted by a second murder; Clepho was stabbed by the hand of a domestic; the regal office was suspended above ten years, during the minority of his son Autharis; and Italy was divided and oppressed by a ducal aristocracy of thirty tyrants²².

Clepho, king
of the Lombards,
A. D. 573,
August.

When the nephew of Justinian ascended the throne, he proclaimed a new æra of happiness and glory. The annals of the second Justin²³ are marked with disgrace abroad and misery at home. In the West, the Roman empire was afflicted by the loss of Italy, the desolation of Africa, and the conquests of the Persians. Injustice prevailed both in the capital and the provinces; the rich trembled for their property, the poor for their safety, the ordinary magistrates were ignorant or venal, the occasional remedies appear to have been arbitrary and violent, and the complaints of the people could no longer be silenced by the splendid names of a legislator and a con-

Weakness of
the emperor
Justin.

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queror. The opinion which imputes to the prince all the calamities of his times, may be countenanced by the historian as a serious truth or a salutary prejudice. Yet a candid suspicion will arise, that the sentiments of Justin were pure and benevolent, and that he might have filled his station without reproach, if the faculties of his mind had not been impaired by disease, which deprived the emperor of the use of his feet, and confined him to the palace, a stranger to the complaints of the people and the vices of the government. The tardy knowledge of his own impotence determined him to lay down the weight of the diadem; and in the choice of a worthy substitute, he shewed some symptoms of a discerning and even magnanimous spirit. The only son of Justin and Sophia died in his infancy: their daughter Arabia was the wife of Baduarius²⁴ superintendant of the palace, and afterwards commander of the Italian armies, who vainly aspired to confirm the rights of marriage by those of adoption. While the empire appeared an object of desire, Justin was accustomed to behold with jealousy and hatred his brothers and cousins, the rivals of his hopes; nor could he depend on the gratitude of those who would accept the purple as a restitution, rather than a gift. Of these competitors, one had been removed by exile, and afterwards by death; and the emperor himself had inflicted such cruel insults on another, that he must either dread his resentment or despise his patience. This domestic animosity was refined

into a generous resolution of seeking a successor, not in his family, but in the republic: and the artful Sophia recommended Tiberius²⁵, his faithful captain of the guards, whose virtues and fortune the emperor might cherish as the fruit of his judicious choice. The ceremony of his elevation to the rank of Cæsar, or Augustus, was performed in the portico of the palace, in the presence of the patriarch and the senate. Justin collected the remaining strength of his mind and body, but the popular belief that his speech was inspired by the Deity, betrays a very humble opinion both of the man and of the times²⁶. “You behold,” said the emperor, “the ensigns of supreme power. You are about to receive them not from my hand, but from the hand of God. Honour them, and from them you will derive honour. Respect the empress your mother; you are now her son, before, you were her servant. Delight not in blood, abstain from revenge, avoid those actions by which I have incurred the public hatred, and consult the experience rather than the example of your predecessor. As a man, I have sinned; as a sinner, even in this life I have been severely punished: but these servants (and he pointed to his ministers), who have abused my confidence, and inflamed my passions, will appear with me before the tribunal of Christ. I have been dazzled by the splendour of the diadem: be thou wise and modest; remember what you have been, remember

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of Tiberius,
A. D. 574,
December.

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“ what you are. You see around us your slaves
 “ and your children; with the authority, assume
 “ the tenderness, of a parent. Love your people
 “ like yourself; cultivate the affections, main-
 “ tain the discipline of the army: protect the
 “ fortunes of the rich, relieve the necessities of
 “ the poor ²⁷. ” The assembly, in silence and
 in tears, applauded the counsels, and sympathised
 with the repentance, of their prince: the pa-
 triarch rehearsed the prayers of the church;
 Tiberius received the diadem on his knees, and
 Justin, who in his abdication appeared most
 worthy to reign, addressed the new monarch in
 the following words: “ If you consent, I live;
 “ if you command, I die: may the God of
 “ heaven and earth infuse into your heart what-
 “ ever I have neglected or forgotten. ” The
 four last years of the emperor Justin were passed
 in tranquil obscurity: his conscience was no
 longer tormented by the remembrance of those
 duties which he was incapable of discharging;
 and his choice was justified by the filial reverence
 and gratitude of Tiberius.

Death of
Justin II.
A. D. 578,
October 5.

Reign of Ti-
berius II.
A. D. 578,
Sept. 26—
A. D. 582,
August 14.

Among the virtues of Tiberius ²⁸, his beauty
 (he was one of the tallest and most comely of
 the Romans) might introduce him to the favour
 of Sophia; and the widow of Justin was per-
 suaded, that she should preserve her station and
 influence under the reign of a second and more
 youthful husband. But if the ambitious candidate
 had been tempted to flatter and dissemble, it
 was no longer in his power to fulfil her expecta-

tions, or his own promise. The factions of the hippodrome demanded, with some impatience, the name of their new empress; both the people and Sophia were astonished by the proclamation of Anastasia, the secret, though lawful wife of the emperor Tiberius. Whatever could alleviate the disappointment of Sophia, imperial honours, a stately palace, a numerous household, was liberally bestowed by the piety of her adopted son; on solemn occasions he attended and consulted the widow of his benefactor: but her ambition disdained the vain semblance of royalty, and the respectful appellation of mother served to exasperate, rather than appease, the rage of an injured woman. While she accepted, and repaid with a courtly smile, the fair expressions of regard and confidence, a secret alliance was concluded between the dowager empress and her ancient enemies; and Justinian, the son of Germanus, was employed as the instrument of her revenge. The pride of the reigning house supported, with reluctance, the dominion of a stranger: the youth was deservedly popular; his name, after the death of Justin, had been mentioned by a tumultuous faction; and his own submissive offer of his head, with a treasure of sixty thousand pounds, might be interpreted as an evidence of guilt, or at least of fear. Justinian received a free pardon, and the command of the eastern army. The Persian monarch fled before his arms; and the acclamations which accompanied his triumph, declared him worthy of

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the purple. His artful patroness had chosen the month of the vintage, while the emperor, in a rural solitude, was permitted to enjoy the pleasures of a subject. On the first intelligence of her designs he returned to Constantinople, and the conspiracy was suppressed by his presence and firmness. From the pomp and honours which she had abused, Sophia was reduced to a modest allowance: Tiberius dismissed her train, intercepted her correspondence, and committed to a faithful guard the custody of her person. But the services of Justinian were not considered by that excellent prince as an aggravation of his offences: after a mild reproof, his treason and ingratitude were forgiven; and it was commonly believed, that the emperor entertained some thoughts of contracting a double alliance with the rival of his throne. The voice of an angel (such a fable was propagated) might reveal to the emperor, that he should always triumph over his domestic foes; but Tiberius derived a firmer assurance from the innocence and generosity of his own mind.

His virtues.

With the odious name of Tiberius, he assumed the more popular appellation of Constantine, and imitated the purer virtues of the Antonines. After recording the vice or folly of so many Roman princes, it is pleasing to repose, for a moment, on a character conspicuous by the qualities of humanity, justice, temperance, and fortitude; to contemplate a sovereign affable in his palace, pious in the church, impartial on the

the feat of judgment, and victorious, at least by his generals, in the Persian war. The most glorious trophy of his victory consisted in a multitude of captives, whom Tiberius entertained, redeemed, and dismissed to their native homes with the charitable spirit of a Christian hero. The merit or misfortunes of his own subjects had a dearer claim to his beneficence, and he measured his bounty not so much by their expectations, as by his own dignity. This maxim, however dangerous in a trustee of the public wealth, was balanced by a principle of humanity and justice, which taught him to abhor, as of the basest alloy, the gold that was extracted from the tears of the people. For their relief, as often as they had suffered by natural or hostile calamities, he was impatient to remit the arrears of the past, or the demands of future taxes: he sternly rejected the servile offerings of his ministers, which were compensated by tenfold oppression; and the wise and equitable laws of Tiberius excited the praise and regret of succeeding times. Constantinople believed that the emperor had discovered a treasure: but his genuine treasure consisted in the practice of liberal œconomy, and the contempt of all vain and superfluous expence. The Romans of the East would have been happy, if the best gift of heaven, a patriot king, had been confirmed as a proper and permanent blessing. But in less than four years after the death of Justin, his worthy successor sunk into a mortal disease,

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CHAP. XLV. which left him only sufficient time to restore the diadem, according to the tenure by which he held it, to the most deserving of his fellow-citizens. He selected Maurice from the crowd, a judgment more precious than the purple itself: the patriarch and senate were summoned to the bed of the dying prince: he bestowed his daughter and the empire; and his last advice was solemnly delivered by the voice of the quæstor. Tiberius expressed his hope, that the virtues of his son and successor would erect the noblest mausoleum to his memory. His memory was embalmed by the public affliction; but the most sincere grief evaporates in the tumult of a new reign, and the eyes and acclamations of mankind were speedily directed to the rising sun.

The reign of
Maurice,
A. D. 582,
August 1—
A. D. 602,
Nov. 27.

The emperor Maurice derived his origin from ancient Rome²⁹; but his immediate parents were settled at Arabissus in Cappadocia, and their singular felicity preserved them alive to behold and partake the fortune of their *august* son. The youth of Maurice was spent in the profession of arms; Tiberius promoted him to the command of a new and favourite legion of twelve thousand confederates; his valour and conduct were signalized in the Persian war; and he returned to Constantinople to accept, as his just reward, the inheritance of the empire. Maurice ascended the throne at the mature age of forty-three years; and he reigned above twenty years over the East and over himself³⁰; expelling from his mind the wild democracy of passions, and

establishing (according to the quaint expression of Evagrius) a perfect aristocracy of reason and virtue. Some suspicion will degrade the testimony of a subject, though he protests that his secret praise should never reach the ear of his sovereign³¹, and some failings seem to place the character of Maurice below the purer merit of his predecessor. His cold and reserved demeanour might be imputed to arrogance; his justice was not always exempt from cruelty, nor his clemency from weakness; and his rigid œconomy too often exposed him to the reproach of avarice. But the rational wishes of an absolute monarch must tend to the happiness of his people; Maurice was endowed with sense and courage to promote that happiness, and his administration was directed by the principles and example of Tiberius. The pusillanimity of the Greeks had introduced so complete a separation between the offices of king and of general, that a private soldier who had deserved and obtained the purple, seldom or never appeared at the head of his armies. Yet the emperor Maurice enjoyed the glory of restoring the persian monarch to his throne: his lieutenants waged a doubtful war against the Avars of the Danube, and he cast an eye of pity, of ineffectual pity, on the abject and distressful state of his Italian provinces.

From Italy the emperors were incessantly tormented by tales of misery and demands of succour, which extorted the humiliating confession of their own weakness. The expiring dignity

Distress of
Italy.

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CHAP. XLV. of Rome was only marked by the freedom and energy of her complaints: "If you are incapable," she said, "of delivering us from the sword of the Lombards, save us at least from the calamity of famine." Tiberius forgave the reproach, and relieved the distress: a supply of corn was transported from Egypt to the Tyber; and the Roman people, invoking the name, not of Camillus, but of St. Peter, repulsed the Barbarians from their walls. But the relief was accidental, the danger was perpetual and pressing; and the clergy and senate, collecting the remains of their ancient opulence, a sum of three thousand pounds of gold, dispatched the patrician Pamphronius to lay their gifts and their complaints at the foot of the Byzantine throne. The attention of the court, and the forces of the East, were diverted by the Persian war: but the justice of Tiberius applied the subsidy to the defence of the city; and he dismissed the patrician with his best advice, either to bribe the Lombard chiefs, or to purchase the aid of the kings of France. Notwithstanding this weak invention, Italy was still afflicted, Rome was again besieged, and the suburb of Classe, only three miles from Ravenna, was pillaged and occupied by the troops of a simple duke of Spoleto. Maurice gave audience to a second deputation of priests and senators; the duties and the menaces of religion were forcibly urged in the letters of the Roman pontiff; and his nuncio, the deacon Gregory, was alike qualified to solicit the powers

either of heaven or of the earth. The emperor adopted, with stronger effect, the measures of his predecessor: some formidable chiefs were persuaded to embrace the friendship of the Romans; and one of them, a mild and faithful Barbarian, lived and died in the service of the exarch: the passes of the Alps were delivered to the Franks; and the pope encouraged them to violate, without scruple, their oaths and engagements to the misbelievers. Childebert, the great-grandson of Clovis, was persuaded to invade Italy by the payment of fifty thousand pieces; but as he had viewed with delight some Byzantine coin of the weight of one pound of gold, the king of Austrasia might stipulate, that the gift should be rendered more worthy of his acceptance, by a proper mixture of these respectable medals. The dukes of the Lombards had provoked by frequent inroads their powerful neighbours of Gaul. As soon as they were apprehensive of a just retaliation, they renounced their feeble and disorderly independence: the advantages of regal government, union, secrecy, and vigour, were unanimously confessed; and Autharis, the son of Clepho, had already attained the strength and reputation of a warrior. Under the standard of their new king, the conquerors of Italy withstood three successive invasions, one of which was led by Childebert himself, the last of the Merovingian race who descended from the Alps. The first expedition was defeated by the jealous animosity of the Franks and Alemanni. In the

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Autharis,
king of the
Lombards,
A. D.

584—590.

CHAP. XLV. second they were vanquished in a bloody battle, with more loss and dishonour than they had sustained since the foundation of their monarchy. Impatient for revenge, they returned a third time with accumulated force, and Autharis yielded to the fury of the torrent. The troops and treasures of the Lombards were distributed in the walled towns between the Alps and the Apennine. A nation, less sensible of danger, than of fatigue and delay, soon murmured against the folly of their twenty commanders; and the hot vapours of an Italian sun infected with disease those tramontane bodies which had already suffered the vicissitudes of intemperance and famine. The powers that were inadequate to the conquest, were more than sufficient for the desolation, of the country; nor could the trembling natives distinguish between their enemies and their deliverers. If the junction of the Merovingian and Imperial forces had been effected in the neighbourhood of Milan, perhaps they might have subverted the throne of the Lombards; but the Franks expected six days the signal of a flaming village, and the arms of the Greeks were idly employed in the reduction of Modena and Parma, which were torn from them after the retreat of their Transalpine allies. The victorious Autharis asserted his claim to the dominion of Italy. At the foot of the Rhætian Alps, he subdued the resistance, and rifled the hidden treasures, of a sequestered island in the lake of Comum. At the extreme point

of Calabria, he touched with his spear a column on the sea-shore of Rhegium³², proclaiming that ancient land-mark to stand the immovable boundary of his kingdom³³.

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During a period of two hundred years, Italy was unequally divided between the kingdom of the Lombards and the exarchate of Ravenna. The offices and professions, which the jealousy of Constantine had separated, were united by the indulgence of Justinian; and eighteen successive exarchs were invested, in the decline of the empire, with the full remains of civil, of military, and even of ecclesiastical power. Their immediate jurisdiction, which was afterwards consecrated as the patrimony of St. Peter, extended over the modern Romagna, the marshes or valleys of Ferrara and Commachio³⁴, five maritime cities from Rimini to Ancona, and a second, inland Pentapolis, between the Adriatic coast and the hills of the Apennine. Three subordinate provinces, of Rome, of Venice, and of Naples, which were divided by hostile lands from the palace of Ravenna, acknowledged, both in peace and war, the supremacy of the exarch. The dutchy of Rome appears to have included the Tuscan, Sabine, and Latian conquests, of the first four hundred years of the city, and the limits may be distinctly traced along the coast, from Civita Vecchia, to Terracina, and with the course of the Tyber from Ameria and Narni to the port of Ostia. The numerous islands from Grado to Chiozza, composed the infant dominion of

The exarch-
ate of Ra-
venna.

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Venice; but the more accessible towns on the continent were overthrown by the Lombards, who beheld with impotent fury a new capital rising from the waves. The power of the dukes of Naples was circumscribed by the bay and the adjacent isles, by the hostile territory of Capua, and by the Roman colony of Amalphi³⁵, whose industrious citizens, by the invention of the mariner's compass, have unveiled the face of the globe. The three islands of Sardinia, Corsica, and Sicily, still adhered to the empire; and the acquisition of the farther Calabria removed the land-mark of Autharis from the shore of Rhegium to the isthmus of Consentia. In Sardinia, the savage mountaineers preserved the liberty and religion of their ancestors; but the husbandmen of Sicily were chained to their rich and cultivated soil. Rome was oppressed by the iron sceptre of the exarchs, and a Greek, perhaps an eunuch, insulted with impunity the ruins of the Capitol. But Naples soon acquired the privilege of electing her own dukes³⁶; the independence of Amalphi was the fruit of commerce; and the voluntary attachment of Venice was finally ennobled by an equal alliance with the eastern empire. On the map of Italy, the measure of the exarchate occupies a very inadequate space, but it included an ample proportion of wealth, industry, and population. The most faithful and valuable subjects escaped from the Barbarian yoke, and the banners of Pavia and Verona, of Milan and Padua, were displayed in their respective quarters by the new inhabitants of Ravenna.

The remainder of Italy was possessed by the Lombards; and from Pavia, the royal seat, their kingdom was extended to the east, the north, and the west, as far as the confines of the Avars, the Bavarians, and the Franks of Austrasia and Burgundy. In the language of modern geography, it is now represented by the Terra Firma of the Venetian republic, Tirol, the Milanese, Piemont, the coast of Genoa, Mantua, Parma, and Modena, the grand duchy of Tuscany, and a large portion of the ecclesiastical state from Perugia to the Adriatic. The dukes, and at length the princes of Beneventum, survived the monarchy, and propagated the name of the Lombards. From Capua to Tarentum, they reigned near five hundred years over the greatest part of the present kingdom of Naples³⁷.

In comparing the proportion of the victorious and the vanquished people, the change of language will afford the most probable inference. According to this standard it will appear, that the Lombards of Italy, and the Visigoths of Spain, were less numerous than the Franks or Burgundians; and the conquerors of Gaul must yield, in their turn, to the multitude of Saxons and Angles who almost eradicated the idioms of Britain. The modern Italian has been insensibly formed by the mixture of nations; the awkwardness of the Barbarians in the nice management of declensions and conjugations, reduced them to the use of articles and auxiliary verbs; and many new ideas have been expressed by Teutonic

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The kingdom of the Lombards.

Language and manners of the Lombards.

C H A P. XLV. appellations. Yet the principal stock of technical and familiar words is found to be of Latin derivation³⁸; and if we were sufficiently conversant with the obsolete, the rustic, and the municipal dialects of ancient Italy, we should trace the origin of many terms which might, perhaps, be rejected by the classic purity of Rome. A numerous army constitutes but a small nation, and the powers of the Lombards were soon diminished by the retreat of twenty thousand Saxons, who scorned a dependent situation, and returned, after many bold and perilous adventures, to their native country³⁹. The camp of Alboin was of formidable extent, but the extent of a camp would be easily circumscribed within the limits of a city; and its martial inhabitants must be thinly scattered over the face of a large country. When Alboin descended from the Alps, he invested his nephew, the first duke of Friuli, with the command of the province and the people; but the prudent Gifulf would have declined the dangerous office, unless he had been permitted to chuse, among the nobles of the Lombards, a sufficient number of families⁴⁰ to form a perpetual colony of soldiers and subjects. In the progress of conquest, the same option could not be granted to the dukes of Brescia or Bergamo, of Pavia or Turin, of Spoleto or Beneventum; but each of these, and each of their colleagues, settled in his appointed district with a band of followers who resorted to his standard in war and his tribunal in peace. Their attachment was free

and honourable: resigning the gifts and benefits which they had accepted, they might emigrate with their families into the jurisdiction of another duke; but their absence from the kingdom was punished with death, as a crime of military desertion⁴¹. The posterity of the first conquerors struck a deeper root into the soil, which, by every motive of interest and honour, they were bound to defend. A Lombard was born the soldier of his king and his duke; and the civil assemblies of the nation displayed the banners, and assumed the appellation, of a regular army. Of this army, the pay and the rewards were drawn from the conquered provinces; and the distribution, which was not effected till after the death of Alboin, is disgraced by the foul marks of injustice and rapine. Many of the most wealthy Italians were slain or banished; the remainder were divided among the strangers, and a tributary obligation was imposed (under the name of hospitality), of paying to the Lombards a third part of the fruits of the earth. Within less than seventy years, this artificial system was abolished by a more simple and solid tenure⁴². Either the Roman landlord was expelled by his strong and insolent guest; or the annual payment, a third of the produce, was exchanged by a more equitable transaction for an adequate proportion of landed property. Under these foreign masters, the business of agriculture, in the cultivation of corn, vines, and olives, was exercised with degenerate skill and industry by the labour of the

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slaves and natives. But the occupations of a pastoral life were more pleasing to the idleness of the Barbarians. In the rich meadows of Venetia, they restored and improved the breed of horses for which that province had once been illustrious ⁴³; and the Italians beheld with astonishment a foreign race of oxen or buffaloes ⁴⁴. The depopulation of Lombardy, and the increase of forests, afforded an ample range for the pleasures of the chace ⁴⁵. That marvellous art which teaches the birds of the air to acknowledge the voice, and execute the commands of their master, had been unknown to the ingenuity of the Greeks and Romans ⁴⁶. Scandinavia and Scythia produce the boldest and most tractable falcons ⁴⁷: they were tamed and educated by the roving inhabitants always on horseback and in the field. This favourite amusement of our ancestors was introduced by the Barbarians into the Roman provinces; and the laws of Italy esteem the sword and the hawk as of equal dignity and importance in the hands of a noble Lombard ⁴⁸.

Dress and
marriage.

So rapid was the influence of climate and example, that the Lombards of the fourth generation surveyed with curiosity and affright the portraits of their savage forefathers ⁴⁹. Their heads were shaven behind, but the shaggy locks hung over their eyes and mouth, and a long beard, represented the name and character of the nation. Their dress consisted of loose linen garments, after the fashion of the Anglo-Saxons, which were decorated, in their opinion, with

broad stripes of variegated colours. The legs and feet were clothed in long hose, and open sandals; and even in the security of peace, a trusty sword was constantly girt to their side. Yet this strange apparel, and horrid aspect, often concealed a gentle and generous disposition; and as soon as the rage of battle had subsided, the captives and subjects were sometimes surprised by the humanity of the victor. The vices of the Lombards were the effect of passion, of ignorance, of intoxication: their virtues are the more laudable, as they were not affected by the hypocrisy of social manners, nor imposed by the rigid constraint of laws and education. I should not be apprehensive of deviating from my subject, if it were in my power to delineate the private life of the conquerors of Italy, and I shall relate with pleasure the adventurous gallantry of Autharis, which breathes the true spirit of chivalry and romance ⁵⁰. After the loss of his promised bride, a Merovingian princess, he fought in marriage the daughter of the king of Bavaria; and Garibald accepted the alliance of the Italian monarch. Impatient of the slow progress of negotiation, the ardent lover escaped from his palace, and visited the court of Bavaria in the train of his own embassy. At the public audience, the unknown stranger advanced to the throne, and informed Garibald, that the ambassador was indeed the minister of state, but that he alone was the friend of Autharis, who had trusted him with the delicate commission of making a

C H A P. faithful report of the charms of his spouse.
 XLV. Theudelinda was summoned to undergo this important examination, and after a pause of silent rapture, he hailed her as the queen of Italy, and humbly requested, that, according to the custom of the nation, she would present a cup of wine to the first of her new subjects. By the command of her father, she obeyed: Autharis received the cup in his turn, and, in restoring it to the princess, he secretly touched her hand, and drew his own finger over his face and lips. In the evening, Theudelinda imparted to her nurse the indiscreet familiarity of the stranger, and was comforted by the assurance, that such boldness could proceed only from the king her husband, who, by his beauty and courage, appeared worthy of her love. The ambassadors were dismissed: no sooner did they reach the confines of Italy, than Autharis, raising himself on his horse, darted his battle-axe against a tree with incomparable strength and dexterity, "Such," said he to the astonished Bavarians, "such are the strokes of the king of the Lombards." On the approach of a French army, Garibald and his daughter took refuge in the dominions of their ally; and the marriage was consummated in the palace of Verona. At the end of one year, it was dissolved by the death of Autharis: but the virtues of Theudelinda⁵¹ had endeared her to the nation, and she was permitted to bestow, with her hand, the sceptre of the Italian kingdom

From this fact, as well as from similar events⁵², it is certain that the Lombards possessed freedom to elect their sovereign, and sense to decline the frequent use of that dangerous privilege. The public revenue arose from the produce of land, and the profits of justice. When the independent dukes agreed that Autharis should ascend the throne of his father, they endowed the regal office with a fair moiety of their respective domains. The proudest nobles aspired to the honours of servitude near the person of their prince: he rewarded the fidelity of his vassals by the precarious gift of pensions and *benefices*; and atoned for the injuries of war, by the rich foundation of monasteries and churches. In peace a judge, a leader in war, he never usurped the powers of a sole and absolute legislator. The king of Italy convened the national assemblies in the palace, or more probably in the fields, of Pavia: his great council was composed of the persons most eminent by their birth and dignities; but the validity, as well as the execution of their decrees, depended on the approbation of the *faithful* people; the *fortunate* army of the Lombards. About fourscore years after the conquest of Italy, their traditional customs were transcribed in Teutonic Latin⁵³, and ratified by the consent of the prince and people; some new regulations were introduced, more suitable to their present condition; the example of Rotharis was imitated by the wisest of his successors, and the laws of the Lombards

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Government.

Laws,

A. D. 643,

&c.

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have been esteemed the least imperfect of the Barbaric codes⁵⁴. Secure by their courage in the possession of liberty, these rude and hasty legislators were incapable of balancing the powers of the constitution, or of discussing the nice theory of political government. Such crimes as threatened the life of the sovereign, or the safety of the state, were adjudged worthy of death; but their attention was principally confined to the defence of the person and property of the subject. According to the strange jurisprudence of the times, the guilt of blood might be redeemed by a fine; yet the high price of nine hundred pieces of gold declares a just sense of the value of a simple citizen. Less atrocious injuries, a wound, a fracture, a blow, an opprobrious word, were measured with scrupulous and almost ridiculous diligence; and the prudence of the legislator encouraged the ignoble practice of bartering honour and revenge for a pecuniary compensation. The ignorance of the Lombards, in the state of Paganism or Christianity, gave implicit credit to the malice and mischief of witchcraft; but the judges of the seventeenth century might have been instructed and confounded by the wisdom of Rotharis, who derides the absurd superstition, and protects the wretched victims of popular or judicial cruelty⁵⁵. The same spirit of a legislator, superior to his age and country, may be ascribed to Luitprand, who condemns, while he tolerates, the impious and inveterate abuse of duels⁵⁶, observing from
his

his own experience, that the juster cause had often been oppressed by successful violence. CHAP XLV. Whatever merit may be discovered in the laws of the Lombards, they are the genuine fruit of the reason of the Barbarians, who never admitted the Bishops of Italy to a seat in their legislative councils. But the succession of their kings is marked with virtue and ability; the troubled series of their annals is adorned with fair intervals of peace, order, and domestic happiness; and the Italians enjoyed a milder and more equitable government, than any of the other kingdoms which had been founded on the ruins of the Western Empire⁵⁷.

Amidst the arms of the Lombards, and under the despotism of the Greeks, we again enquire into the fate of Rome⁵⁸, which had reached, about the close of the sixth century, the lowest period of her depression. By the removal of the seat of empire, and the successive loss of the provinces, the sources of public and private opulence were exhausted; the lofty tree, under whose shade the nations of the earth had reposed, was deprived of its leaves and branches, and the sapless trunk was left to wither on the ground. The ministers of command, and the messengers of victory, no longer met on the Appian and Flaminian way; and the hostile approach of the Lombards was often felt and continually feared. The inhabitants of a potent and peaceful capital, who visit without an anxious thought the garden of the adjacent country, will faintly picture in their fancy

Misery of
Rome.

C H A P. the distress of the Romans: they shut or opened
 XLV. their gates with a trembling hand, beheld from
 the walls the flames of their houses, and heard
 the lamentations of their brethren who were cou-
 pled together like dogs, and dragged away into
 distant slavery beyond the sea and the mountains.
 Such incessant alarms must annihilate the pleasures
 and interrupt the labours of a rural life; and the
 Campagna of Rome was speedily reduced to
 the state of a dreary wilderness, in which the
 land is barren, the waters are impure, and the
 air is infectious. Curiosity and ambition no longer
 attracted the nations to the capital of the world:
 but if chance or necessity directed the steps of a
 wandering stranger, he contemplated with horror
 the vacancy and solitude of the city, and might
 be tempted to ask, where is the senate, and
 where are the people. In a season of excessive
 rains, the Tyber swelled above its banks, and
 rushed with irresistible violence into the vallies of
 the seven hills. A pestilential disease arose from
 the stagnation of the deluge, and so rapid was the
 contagion, that fourscore persons expired in an
 hour in the midst of a solemn procession, which
 implored the mercy of heaven". A society in
 which marriage is encouraged and industry pre-
 vails, soon repairs the accidental losses of pesti-
 lence and war; but as the far greater part of the
 Romans was condemned to hopeless indigence
 and celibacy, the depopulation was constant and
 visible, and the gloomy enthusiasts might expect
 the approaching failure of the human race ". Yet

the number of citizens still exceeded the measure of subsistence: their precarious food was supplied from the harvests of Sicily or Egypt; and the frequent repetition of famine betrays the inattention of the emperor to a distant province. The edifices of Rome were exposed to the same ruin and decay: the mouldering fabrics were easily overthrown by inundations, tempests, and earthquakes, and the monks who had occupied the most advantageous stations, exulted in their base triumph over the ruins of antiquity⁶¹. It is commonly believed, that pope Gregory the first attacked the temples and mutilated the statues of the city; that, by the command of the Barbarian, the Palatine library was reduced to ashes, and that the history of Livy was the peculiar mark of his absurd and mischievous fanaticism. The writings of Gregory himself reveal his implacable aversion to the monuments of classic genius; and he points his severest censure against the profane learning of a bishop, who taught the art of grammar, studied the Latin poets, and pronounced with the same voice the praises of Jupiter and those of Christ. But the evidence of his destructive rage is doubtful and recent: the Temple of Peace, or the theatre of Marcellus, have been demolished by the slow operation of ages, and a formal proscription would have multiplied the copies of Virgil and Livy in the countries which were not subject to the ecclesiastical dictator⁶².

Like Thebes, or Babylon, or Carthage, the name of Rome might have been erased from the

The tombs
and relics of
the apostles.

CHAP. XLV. earth; if the city had not been animated by a vital principle, which again restored her to honour and dominion. A vague tradition was embraced, that two Jewish teachers, a tent-maker, and a fisherman, had formerly been executed in the circus of Nero, and at the end of five hundred years their genuine or fictitious relics were adored as the Palladium of Christian Rome. The pilgrims of the East and West resorted to the holy threshold; but the shrines of the apostles were guarded by miracles and invisible terrors; and it was not without fear that the pious Catholic approached the object of his worship. It was fatal to touch, it was dangerous to behold, the bodies of the saints; and those who from the purest motives presumed to disturb the repose of the sanctuary, were affrighted by visions, or punished with sudden death. The unreasonable request of an empress, who wished to deprive the Romans of their sacred treasure, the head of St. Paul, was rejected with the deepest abhorrence; and the pope asserted, most probably with truth, that a linen which had been sanctified in the neighbourhood of his body, or the filings of his chain, which it was sometimes easy and sometimes impossible to obtain, possessed an equal degree of miraculous virtue³. But the power as well as virtue of the apostles resided with living energy in the breast of their successors; and the chair of St. Peter was filled under the reign of Maurice by the first and greatest of the name of Gregory⁴. His grandfather Felix

had himself been pope, and as the bishops were already bound by the law of celibacy, his consecration must have been preceded by the death of his wife. The parents of Gregory, Sylvia, and Gordian, were the noblest of the senate and the most pious of the church of Rome; his female relations were numbered among the saints and virgins; and his own figure with those of his father and mother were represented near three hundred years in a family portrait “, which he offered to the monastery of St. Andrew. The design and colouring of this picture afford an honourable testimony, that the art of painting was cultivated by the Italians of the sixth century; but the most abject ideas must be entertained of their taste and learning, since the epistles of Gregory, his sermons, and his dialogues, are the work of a man who was second in erudition to none of his contemporaries “: his birth and abilities had raised him to the office of præfect of the city, and he enjoyed the merit of renouncing the pomp and vanities of this world. His ample patrimony was dedicated to the foundation of seven monasteries “, one in Rome “, and six in Sicily; and it was the wish of Gregory that he might be unknown in this life, and glorious only in the next. Yet his devotion, and it might be sincere, pursued the path which would have been chosen by a crafty and ambitious statesman. The talents of Gregory, and the splendour which accompanied his retreat, rendered him dear and useful to the church; and implicit obedience has

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Birth and
profession of
Gregory the
Roman.

Portrait of
Gregory the
Great, or
Fifth
A. D. 700.
February 2.
A. D. 604.
March 12.

C H A P. XLV. been always inculcated as the first duty of a monk. As soon as he had received the character of deacon, Gregory was sent to reside at the Byzantine court, the nuncio or minister of the apostolic see; and he boldly assumed, in the name of St. Peter, a tone of independent dignity, which would have been criminal and dangerous in the most illustrious layman of the empire. He returned to Rome with a just encrease of reputation, and after a short exercise of the monastic virtues, he was dragged from the cloyster to the papal throne, by the unanimous voice of the clergy, the senate, and the people. He alone resisted, or seemed to resist, his own elevation; and his humble petition, that Maurice would be pleased to reject the choice of the Romans, could only serve to exalt his character in the eyes of the emperor and the public. When the fatal mandate was proclaimed, Gregory solicited the aid of some friendly merchants to convey him in a basket beyond the gates of Rome, and modestly concealed himself some days among the woods and mountains, till his retreat was discovered, as it is said, by a celestial light.

Pontificate of
Gregory the
Great, or
First,
A. D. 590,
February 8—
A. D. 604,
March 12.

The pontificate of Gregory the *Great*, which lasted thirteen years six months and ten days, is one of the most edifying periods of the history of the church. His virtues, and even his faults, a singular mixture of simplicity and cunning, of pride and humility, of sense and superstition, were happily suited to his station and to the temper of the times. In his rival, the patriarch

of Constantinople, he condemned the Anti-christian title of universal bishop, which the successor of St. Peter was too haughty to concede, and too feeble to assume; and the ecclesiastical jurisdiction of Gregory was confined to the triple character of bishop of Rome, primate of Italy, and apostle of the West. He frequently ascended the pulpit, and kindled, by his rude though pathetic eloquence, the congenial passions of his audience: the language of the Jewish prophets was interpreted and applied, and the minds of a people, depressed by their present calamities, were directed to the hopes and fears of the invisible world. His precepts and example defined the model of the Roman liturgy⁶⁹; the distribution of the parishes, the calendar of festivals, the order of processions, the service of the priests and deacons, the variety and change of sacerdotal garments. Till the last days of his life, he officiated in the canon of the mass, which continued above three hours; the Gregorian chant⁷⁰ has preserved the vocal and instrumental music of the theatre, and the rough voices of the Barbarians attempted to imitate the melody of the Roman school⁷¹. Experience had shewn him the efficacy of these solemn and pompous rites, to soothe the distress, to confirm the faith, to mitigate the fierceness, and to dispel the dark enthusiasm of the vulgar, and he readily forgave their tendency to promote the reign of priesthood and superstition. The bishops of Italy and the adjacent islands acknowledged the Roman pontiff

His spiritual
office,

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as their special metropolitan. Even the existence, the union, or the translation of episcopal seats, was decided by his absolute discretion: and his successful inroads into the provinces of Greece, of Spain, and of Gaul, might countenance the more lofty pretensions of succeeding popes. He interposed to prevent the abuses of popular elections; his jealous care maintained the purity of faith and discipline, and the apostolic shepherd assiduously watched over the faith and discipline of the subordinate pastors. Under his reign, the Arians of Italy and Spain were reconciled to the Catholic church, and the conquest of Britain reflects less glory on the name of Cæsar, than on that of Gregory the First. Instead of six legions, forty monks were embarked for that distant island, and the pontiff lamented the austere duties which forbade him to partake the perils of their spiritual warfare. In less than two years he could announce to the archbishop of Alexandria, that they had baptised the king of Kent with ten thousand of his Anglo-Saxons, and that the Roman missionaries, like those of the primitive church, were armed only with spiritual and supernatural powers. The credulity or the prudence of Gregory was always disposed to confirm the truths of religion by the evidence of ghosts, miracles, and resurrections⁷², and posterity has paid to *his* memory the same tribute, which he freely granted to the virtue of his own or the preceding generation. The celestial honours have been liberally bestowed by the authority

of the popes, but Gregory is the last of their own order whom they have presumed to inscribe in the calendar of saints. C H A P.
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Their temporal power insensibly arose from the calamities of the times: and the Roman bishops, who have deluged Europe and Asia with blood, were compelled to reign as the ministers of charity and peace. I. The church of Rome, as it has been formerly observed, was endowed with ample possessions in Italy, Sicily, and the more distant provinces; and her agents, who were commonly subdeacons, had acquired a civil, and even criminal, jurisdiction over their tenants and husbandmen. The successor of St. Peter administered his patrimony with the temper of a vigilant and moderate landlord⁷³; and the epistles of Gregory are filled with salutary instructions to abstain from doubtful or vexatious law-suits; to preserve the integrity of weights and measures; to grant every reasonable delay, and to reduce the capitation of the slaves of the glebe, who purchased the right of marriage by the payment of an arbitrary fine⁷⁴. The rent or the produce of these estates was transported to the mouth of the Tyber, at the risk and expence of the pope: in the use of wealth, he acted like a faithful steward of the church and the poor, and liberally applied to their wants, the inexhaustible resources of abstinence and order. The voluminous account of his receipts and disbursements was kept above three hundred years in the Lateran, as the model of

C H A P. Christian œconomy. On the four great festivals,
 XLV. he divided their quarterly allowance to the
 and alms. clergy, to his domestics, to the monasteries, the
 churches, the places of burial; the alms-houses
 and the hospitals of Rome, and the rest of the
 diocese. On the first day of every month, he
 distributed to the poor, according to the season,
 their stated portion of corn, wine, cheese, veget-
 ables, oil, fish, fresh provisions, clothes, and
 money; and his treasurers were continually sum-
 moned to satisfy, in his name, the extraordinary
 demands of indigence and merit. The instant
 distress of the sick and helpless, of strangers and
 pilgrims, was relieved by the bounty of each
 day, and of every hour; nor would the pontiff
 indulge himself in a frugal repast, till he had
 sent the dishes from his own table to some objects
 deserving of his compassion. The misery of the
 times had reduced the nobles and matrons of
 Rome to accept, without a blush, the benevo-
 lence of the church: three thousand virgins receiv-
 ed their food and raiment from the hand of their
 benefactor; and many bishops of Italy escaped
 from the Barbarians to the hospitable threshold
 of the Vatican. Gregory might justly be styled
 the Father of his Country; and such was the
 extreme sensibility of his conscience, that, for
 the death of a beggar who had perished in the
 streets, he interdicted himself during several days
 from the exercise of sacerdotal functions. II.
 The misfortunes of Rome involved the apostoli-
 cal pastor in the business of peace and war; and

it might be doubtful to himself, whether piety or ambition prompted him to supply the place of his absent sovereign. Gregory awakened the emperor from a long slumber, exposed the guilt or incapacity of the exarch and his inferior ministers, complained that the veterans were withdrawn from Rome for the defence of Spoleto, encouraged the Italians to guard their cities and altars; and condescended, in the crisis of danger, to name the tribunes, and to direct the operations of the provincial troops. But the martial spirit of the pope was checked by the scruples of humanity and religion: the imposition of tribute, though it was employed in the Italian war, he freely condemned as odious and oppressive; whilst he protected against the Imperial edicts, the pious cowardice of the soldiers who deserted a military for a monastic life. If we may credit his own declarations, it would have been easy for Gregory to exterminate the Lombards by their domestic factions, without leaving a king, a duke, or a count, to save that unfortunate nation from the vengeance of their foes. As a Christian bishop, he preferred the salutary offices of peace; his mediation appeased the tumult of arms; but he was too conscious of the arts of the Greeks, and the passions of the Lombards, to engage his sacred promise for the observance of the truce. Disappointed in the hope of a general and lasting treaty, he presumed to save his country without the consent of the emperor or the exarch. The sword of the enemy was

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of Rome.

suspended over Rome; it was averted by the mild eloquence and seasonable gifts of the pontiff, who commanded the respect of heretics and Barbarians. The merits of Gregory were treated by the Byzantine court with reproach and insult; but in the attachment of a grateful people, he found the purest reward of a citizen, and the best right of a sovereign."

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Revolutions of Persia after the Death of Chosroes or Nushirvan.—His Son Hormouz, a Tyrant, is deposed.—Usurpation of Bahram.—Flight and Restoration of Chosroes II.—His Gratitude to the Romans.—The Chagan of the Avars.—Revolt of the Army against Maurice.—His Death.—Tyranny of Phocas.—Elevation of Heraclius.—The Persian War.—Chosroes subdues Syria, Egypt, and Asia Minor.—Siege of Constantinople by the Persians and Avars.—Persian Expeditions.—Victories and Triumph of Heraclius.

THE conflict of Rome and Persia was prolonged from the death of Crassus to the reign of Heraclius. An experience of seven hundred years might convince the rival nations of the impossibility of maintaining their conquests beyond the fatal limits of the Tigris and Euphrates. Yet the emulation of Trajan and Julian was awakened by the trophies of Alexander, and the sovereigns of Persia indulged the ambitious hope of restoring the empire of Cyrus¹. Such extraordinary efforts of power and courage will always command the attention of posterity; but the events by which the fate of nations is not materially

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Rome and
Persia.

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changed, leave a faint impression on the page of history, and the patience of the reader would be exhausted by the repetition of the same hostilities, undertaken without cause, prosecuted without glory, and terminated without effect. The arts of negociation, unknown to the simple greatness of the senate and the Cæsars, were assiduously cultivated by the Byzantine princes; and the memorials of their perpetual embassies² repeat, with the same uniform prolixity, the language of falsehood and declamation, the insolence of the Barbarians, and the servile temper of the tributary Greeks. Lamenting the barren superfluity of materials, I have studied to compress the narrative of these uninteresting transactions: but the just Nushirvan is still applauded as the model of Oriental kings, and the ambition of his grandson Chosroes prepared the revolution of the East, which was speedily accomplished by the arms and the religion of the successors of Mahomet.

Conquest of
Yemen by
Nushirvan,
A. D. 570,
&c.

In the useless altercations, that precede and justify the quarrels of princes, the Greeks and the Barbarians accused each other of violating the peace which had been concluded between the two empires about four years before the death of Justinian. The sovereign of Persia and India aspired to reduce under his obedience the province of Yemen or Arabia³ Felix, the distant land of myrrh and frankincense, which had escaped, rather than opposed, the conquerors of the East. After the defeat of Abrahah under the walls of

Mecca, the discord of his sons and brothers gave an easy entrance to the Persians: they chased the strangers of Abyssinia beyond the Red Sea; and a native prince of the ancient Homerites was restored to the throne as the vassal or viceroy of the great Nushirvan *. But the nephew of Justinian declared his resolution to avenge the injuries of his Christian ally the prince of Abyssinia, as they suggested a decent pretence to discontinue the annual *tribute*, which was poorly disguised by the name of pension. The churches of Persarmenia were oppressed by the intolerant spirit of the Magi; they secretly invoked the protector of the Christians, and after the pious murder of their satraps, the rebels were avowed and supported as the brethren and subjects of the Roman emperor. The complaints of Nushirvan were disregarded by the Byzantine court; Justin yielded to the importunities of the Turks, who offered an alliance against the common enemy; and the Persian monarchy was threatened at the same instant by the united forces of Europe, of Æthiopia, and of Scythia. At the age of fourscore; the sovereign of the East would perhaps have chosen the peaceful enjoyment of his glory and greatness: but as soon as war became inevitable, he took the field with the alacrity of youth, whilst the aggressor trembled in the palace of Constantinople. Nushirvan, or Chosroes, conducted in person the siege of Dara; and although that important fortrefs had been left destitute of troops and magazines, the valour of the inhabitants resisted

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His last war
with the Ro-
mans,
A. D. 572,
&c.

CHAP. above five months the archers, the elephants,
 XLVI. and the military engines of the great king. In the mean while his general Adarman advanced from Babylon, traversed the desert, passed the Euphrates, insulted the suburbs of Antioch, reduced to ashes the city of Apamea, and laid the spoils of Syria at the feet of his master, whose perseverance in the midst of winter at length subverted the bulwark of the East. But these losses, which astonished the provinces and the court, produced a salutary effect in the repentance and abdication of the emperor Justin: a new spirit arose in the Byzantine councils; and a truce of three years was obtained by the prudence of Tiberius. That seasonable interval was employed in the preparations of war; and the voice of rumour proclaimed to the world, that from the distant countries of the Alps and the Rhine, from Scythia, Mæsia, Pannonia, Illyricum, and Isauria, the strength of the Imperial cavalry was reinforced with one hundred and fifty thousand soldiers. Yet the king of Persia, without fear, or without faith, resolved to prevent the attack of the enemy: again passed the Euphrates, and dismissing the ambassadors of Tiberius, arrogantly commanded them to await his arrival at Cæsarea, the metropolis of the Cappadocian provinces. The two armies encountered each other in the battle of Melitene: the Barbarians, who darkened the air with a cloud of arrows, prolonged their line, and extended their wings across the plain; while the Romans, in deep and solid bodies, expected

expected to prevail in cloſer action, by the weight of their ſwords and lances. A Scythian chief, who commanded their right wing, ſuddenly turned the flank of the enemy, attacked their rear-guard in the preſence of Chofroes, penetrated to the miſt of the camp, pillaged the royal tent, profaned the eternal fire, loaded a train of camels with the ſpoils of Aſia, cut his way through the Perſian hoſt, and returned with ſongs of victory to his friends, who had conſumed the day in ſingle combats or ineffectual ſkirmiſhes. The darkneſs of the night, and the ſeparation of the Romans, afforded the Perſian monarch an opportunity of revenge; and one of their camps was ſwept away by a rapid and impetuous aſſault. But the review of his loſs, and the conſciouſneſs of his danger, determined Chofroes to a ſpeedy retreat: he burnt, in his paſſage, the vacant town of Melitene; and, without conſulting the ſafety of his troops, boldly ſwam the Euphrates on the back of an elephant. After this unſucceſſful campaign, the want of magazines, and perhaps ſome inroad of the Turks, obliged him to diſband or divide his forces; the Romans were left maſters of the field, and their general Juſtinian, advancing to the relief of the Perſarmenian rebels, erected his ſtandard on the banks of the Araxes. The great Pompey had formerly halted within three days march of the Caſpian: that inland ſea was explored, for the firſt time, by an hoſtile fleet, and ſeventy thouſand captives were tranſplanted from Hyrcania to the iſle of Cyprus. On the return of ſpring,

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His death,
A. D. 579.

Justinian descended into the fertile plains of Assyria, the flames of war approached the residence of Nushirvan, the indignant monarch sunk into the grave, and his last edict restrained his successors from exposing their person in a battle against the Romans. Yet the memory of this transient affront was lost in the glories of a long reign; and his formidable enemies, after indulging their dream of conquest, again solicited a short respite from the calamities of war⁷.

Tyranny and
vices of his
son Hormou-
z,

A. D.

579—590.

The throne of Chosroes Nushirvan was filled by Hormouz, or Hormisdas, the eldest or the most favoured of his sons. With the kingdoms of Persia and India, he inherited the reputation and example of his father, the service, in every rank, of his wife and valiant officers, and a general system of administration, harmonised by time and political wisdom to promote the happiness of the prince and people. But the royal youth enjoyed a still more valuable blessing, the friendship of a sage who had presided over his education, and who always preferred the honour to the interest of his pupil, his interest to his inclination. In a dispute with the Greek and Indian philosophers, Buzurg⁸ had once maintained, that the most grievous misfortune of life is old age without the remembrance of virtue; and our candour will presume that the same principle compelled him, during three years, to direct the councils of the Persian empire. His zeal was rewarded by the gratitude and docility of Hormouz, who acknowledged himself more

indebted to his preceptor than to his parent: but when age and labour had impaired the strength and perhaps the faculties of this prudent counsellor, he retired from court, and abandoned the youthful monarch to his own passions and those of his favourites. By the fatal vicissitude of human affairs, the same scenes were renewed at Ctesiphon, which had been exhibited in Rome after the death of Marcus Antoninus. The ministers of flattery and corruption, who had been banished by the father, were recalled and cherished by the son; the disgrace and exile of the friends of Nushirvan established their tyranny; and virtue was driven by degrees from the mind of Hormouz, from his palace, and from the government of the state. The faithful agents, the eyes and ears of the king, informed him of the progress of disorder, that the provincial governors flew to their prey with the fierceness of lions and eagles, and that their rapine and injustice would teach the most loyal of his subjects to abhor the name and authority of their sovereign. The sincerity of this advice was punished with death, the murmurs of the cities were despised, their tumults were quelled by military execution; the intermediate powers between the throne and the people were abolished; and the childish vanity of Hormouz, who affected the daily use of the tiara, was fond of declaring, that he alone would be the judge as well as the master of his kingdom. In every word, and in every action, the son of Nushirvan

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C H A P. XLVI. degenerated from the virtues of his father. His avarice defrauded the troops; his jealous caprice degraded the satraps: the palace, the tribunals, the waters of the Tigris, were stained with the blood of the innocent, and the tyrant exulted in the sufferings and execution of thirteen thousand victims. As the excuse of his cruelty, he sometimes condescended to observe, that the fears of the Persians would be productive of hatred, and that their hatred must terminate in rebellion; but he forgot that his own guilt and folly had inspired the sentiments which he deplored, and prepared the event which he so justly apprehended. Exasperated by long and hopeless oppression, the provinces of Babylon, Susa, and Carmania, erected the standard of revolt; and the princes of Arabia, India, and Scythia, refused the customary tribute to the unworthy successor of Nushirvan. The arms of the Romans, in slow sieges and frequent inroads, afflicted the frontiers of Mesopotamia and Assyria; one of their generals professed himself the disciple of Scipio, and the soldiers were animated by a miraculous image of Christ, whose mild aspect should never have been displayed in the front of battle'. At the same time, the eastern provinces of Persia were invaded by the great khan, who passed the Oxus at the head of three or four hundred thousand Turks. The imprudent Hormouz accepted their perfidious and formidable aid; the cities of Khorasan or Bactriana were commanded to open their gates;

the march of the Barbarians towards the mountains of Hyrcania, revealed the correspondence of the Turkish and Roman arms; and their union must have subverted the throne of the house of Sassan.

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Persia had been lost by a king; it was saved by an hero. After his revolt, Varanes or Bahram is stigmatized by the son of Hormouz as an ungrateful slave: the proud and ambiguous reproach of despotism, since he was truly descended from the ancient princes of Rei¹⁰, one of the seven families whose splendid, as well as substantial, prerogatives exalted them above the heads of the Persian nobility¹¹. At the siege of Dara, the valour of Bahram was signalised under the eyes of Nushirvan, and both the father and son successively promoted him to the command of armies, the government of Media, and the superintendence of the palace. The popular prediction which marked him as the deliverer of Persia, might be inspired by his past victories and extraordinary figure: the epithet *Giubin* is expressive of the quality of *dry wood*; he had the strength and stature of a giant, and his savage countenance was fancifully compared to that of a wild cat. While the nation trembled, while Hormouz disguised his terror by the name of suspicion, and his servants concealed their disloyalty under the mask of fear, Bahram alone displayed his undaunted courage and apparent fidelity: and as soon as he found that no more than twelve thousand soldiers would follow him

Exploits of
Bahram,
A. D. 590.

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against the enemy, he prudently declared, that to this fatal number heaven had reserved the honours of the triumph. The steep and narrow descent of the Pule Rudbar¹² or Hyrcanian rock, is the only pass through which an army can penetrate into the territory of Rei and the plains of Media. From the commanding heights, a band of resolute men might overwhelm with stones and darts the myriads of the Turkish host: their emperor and his son were transpierced with arrows; and the fugitives were left, without counsel or provisions, to the revenge of an injured people. The patriotism of the Persian general was stimulated by his affection for the city of his forefathers; in the hour of victory every peasant became a soldier, and every soldier an hero; and their ardour was kindled by the gorgeous spectacle of beds, and thrones, and tables of massy gold, the spoils of Asia, and the luxury of the hostile camp. A prince of a less malignant temper could not easily have forgiven his benefactor, and the secret hatred of Hormouz was envenomed by a malicious report, that Bahram had privately retained the most precious fruits of his Turkish victory. But the approach of a Roman army on the side of the Araxes compelled the implacable tyrant to smile and to applaud; and the toils of Bahram were rewarded with the permission of encountering a new enemy, by their skill and discipline more formidable than a Scythian multitude. Elated by his recent success, he dispatched an

herald with a bold defiance to the camp of the Romans, requesting them to fix a day of battle, and to chuse whether they would pass the river themselves, or allow a free passage to the arms of the great king. The lieutenant of the emperor Maurice preferred the safer alternative, and this local circumstance, which would have enhanced the victory of the Persians, rendered their defeat more bloody and their escape more difficult. But the loss of his subjects, and the danger of his kingdom, were overbalanced in the mind of Hormouz by the disgrace of his personal enemy; and no sooner had Bahram collected and reviewed his forces, than he received from a royal messenger the insulting gift of a distaff, a spinning-wheel, and a complete suit of female apparel. Obedient to the will of his sovereign, he shewed himself to the soldiers in this unworthy disguise: they resented his ignominy and their own: a shout of rebellion ran through the ranks, and the general accepted their oath of fidelity and vows of revenge. A second messenger, who had been commanded to bring the rebel in chains, was trampled under the feet of an elephant, and manifestos were diligently circulated, exhorting the Persians to assert their freedom against an odious and contemptible tyrant. The defection was rapid and universal: his loyal slaves were sacrificed to the public fury; the troops deserted to the standard of Bahram; and the provinces again saluted the deliverer of his country.

His rebel-
lion.

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Hormouz is
deposed and
imprisoned.

As the passes were faithfully guarded, Hormouz could only compute the number of his enemies by the testimony of a guilty conscience, and the daily defection of those who, in the hour of his distress, avenged their wrongs, or forgot their obligations. He proudly displayed the ensigns of royalty; but the city and palace of Modain had already escaped from the hand of the tyrant. Among the victims of his cruelty, Bindoes, a Sassanian prince, had been cast into a dungeon: his fetters were broken by the zeal and courage of a brother; and he stood before the king at the head of those trusty guards, who had been chosen as the ministers of his confinement, and perhaps of his death. Alarmed by the hasty intrusion and bold reproaches of the captive, Hormouz looked round, but in vain, for advice or assistance; discovered that his strength consisted in the obedience of others, and patiently yielded to the single arm of Bindoes, who dragged him from the throne to the same dungeon in which he himself had been so lately confined. At the first tumult, Chosroes, the eldest of the sons of Hormouz, escaped from the city; he was persuaded to return by the pressing and friendly invitation of Bindoes, who promised to seat him on his father's throne, and who expected to reign under the name of an inexperienced youth. In the just assurance, that his accomplices could neither forgive nor hope to be forgiven, and that every Persian might be trusted as the judge and enemy of the tyrant,

he instituted a public trial without a precedent and without a copy in the annals of the East. The son of Nushirvan, who had requested to plead in his own defence, was introduced as a criminal into the full assembly of the nobles and satraps¹³. He was heard with decent attention as long as he expatiated on the advantages of order and obedience, the danger of innovation, and the inevitable discord of those who had encouraged each other to trample on their lawful and hereditary sovereign. By a pathetic appeal to their humanity, he extorted that pity which is seldom refused to the fallen fortunes of a king; and while they beheld the abject posture and squalid appearance of the prisoner, his tears, his chains, and the marks of ignominious stripes, it was impossible to forget how recently they had adored the divine splendour of his diadem and purple. But an angry murmur arose in the assembly as soon as he presumed to vindicate his conduct, and to applaud the victories of his reign. He defined the duties of a king, and the Persian nobles listened with a smile of contempt; they were fired with indignation when he dared to vilify the character of Chosroes; and by the indiscreet offer of resigning the sceptre to the second of his sons, he subscribed his own condemnation, and sacrificed the life of his innocent favourite. The mangled bodies of the boy and his mother were exposed to the people; the eyes of Hormouz were pierced with a hot needle; and the punishment of the father was succeeded

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Elevation of
his son Chos-
roes.

by the coronation of his eldest son. Chosroes had ascended the throne without guilt, and his piety strove to alleviate the misery of the abdicated monarch; from the dungeon he removed Hormouz to an apartment of the palace, supplied with liberality the consolations of sensual enjoyment, and patiently endured the furious sallies of his resentment and despair. He might despise the resentment of a blind and unpopular tyrant, but the tiara was trembling on his head, till he could subvert the power, or acquire the friendship, of the great Bahram, who sternly denied the justice of a revolution, in which himself and his foldiers, the true representatives of Persia, had never been consulted. The offer of a general amnesty, and of the second rank in his kingdom, was answered by an epistle from Bahram friend of the gods, conqueror of men, and enemy of tyrants, the satrap of satraps, general of the Persian armies, and a prince adorned with the title of eleven virtues¹⁴. He commands Chosroes, the son of Hormouz, to shun the example and fate of his father, to confine the traitors who had been released from their chains, to deposit in some holy place the diadem which he had usurped, and to accept from his gracious benefactor the pardon of his faults and the government of a province. The rebel might not be proud, and the king most assuredly was not humble; but the one was conscious of his strength, the other was sensible of his weakness; and even the modest language of his reply still left room for

treaty and reconciliation. Chofroes led into the field the slaves of the palace and the populace of the capital: they beheld with terror the banners of a veteran army; they were encompassed and surpris'd by the evolutions of the general; and the satraps who had deposed Hormouz, received the punishment of their revolt, or expiated their first treason by a second and more criminal act of disloyalty. The life and liberty of Chofroes were saved, but he was reduced to the necessity of imploring aid or refuge in some foreign land; and the implacable Bindoes, anxious to secure an unquestionable title, hastily returned to the palace, and ended, with a bow-string, the wretched existence of the son of Nushirvan ¹⁵.

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Death of
Hormouz,
A. D. 590.

While Chofroes dispatched the preparations of his retreat, he deliberated with his remaining friends ¹⁶, whether he should lurk in the vallies of Mount Caucasus, or fly to the tents of the Turks, or solicit the protection of the emperor. The long emulation of the successors of Artaxerxes and Constantine encreased his reluctance to appear as a suppliant in a rival court; but he weighed the forces of the Romans, and prudently considered, that the neighbourhood of Syria would render his escape more easy and their succours more effectual. Attended only by his concubines, and a troop of thirty guards, he secretly departed from the capital, followed the banks of the Euphrates, traversed the desert, and halted at the distance of ten miles from Circesium. About the third watch of the night,

Chofroes flies
to the Ro-
mans.

CHAP. the Roman præfect was informed of his approach,
 XLVI. and he introduced the royal stranger to the
 fortress at the dawn of day. From thence the
 king of Persia was conducted to the more
 honourable residence of Hierapolis; and Maurice
 dissembled his pride, and displayed his benevo-
 lence, at the reception of the letters and
 ambassadors of the grandson of Nushirvan. They
 humbly represented the vicissitudes of fortune
 and the common interest of princes, exaggerated
 the ingratitude of Bahram the agent of the evil
 principle, and urged, with specious argument,
 that it was for the advantage of the Romans
 themselves to support the two monarchies which
 balance the world, the two great luminaries by
 whose salutary influence it is vivified and
 adorned. The anxiety of Chosroes was soon
 relieved by the assurance, that the emperor had
 espoused the cause of justice and royalty; but
 Maurice prudently declined the expence and
 delay of his useless visit to Constantinople. In
 the name of his generous benefactor, a rich
 diadem was presented to the fugitive prince with
 an inestimable gift of jewels and gold; a power-
 ful army was assembled on the frontiers of Syria
 and Armenia, under the command of the valiant
 and faithful Narses¹⁷, and this general, of his
 own nation, and his own choice, was directed
 to pass the Tigris, and never to sheath his sword
 till he had restored Chosroes to the throne of
 his ancestors. The enterprize, however splendid,
 was less arduous than it might appear. Persia

had already repented of her fatal rashness, which C H A P.
 betrayed the heir of the house of Sassan to the XLVI.
 ambition of a rebellious subject; and the bold His return,
 refusal of the Magi to consecrate his usurpation,
 compelled Bahram to assume the sceptre, regard-
 less of the laws and prejudices of the nation.
 The palace was soon distracted with conspiracy,
 the city with tumult, the provinces with insur-
 rection; and the cruel execution of the guilty
 and the suspected, served to irritate rather than
 subdue the public discontent. No sooner did the
 grandson of Nushirvan display his own and the
 Roman banners beyond the Tigris, than he was
 joined, each day, by the encreasing multitudes
 of the nobility and people; and as he advanced,
 he received from every side the grateful offerings
 of the keys of his cities and the heads of his
 enemies. As soon as Modain was freed from the
 presence of the usurper, the loyal inhabitants
 obeyed the first summons of Mebodes at the
 head of only two thousand horse, and Chosroes
 accepted the sacred and precious ornaments of
 the palace as the pledge of their truth and a
 presage of his approaching success. After the
 junction of the Imperial troops, which Bahram
 vainly struggled to prevent, the contest was
 decided by two battles on the banks of the Zab,
 and the confines of Media. The Romans, with and final
 the faithful subjects of Persia, amounted to sixty victory.
 thousand, while the whole force of the usurper
 did not exceed forty thousand men: the two
 generals signalised their valour and ability, but

CHAP. XLVI. the victory was finally determined by the prevalence of numbers and discipline. With the remnant of a broken army, Bahram fled towards the eastern provinces of the Oxus: the enmity of Persia reconciled him to the Turks; but his days were shortened by poison, perhaps the most incurable of poisons; the stings of remorse and despair, and the bitter remembrance of lost glory. Yet the modern Persians still commemorate the exploits of Bahram; and some excellent laws have prolonged the duration of his troubled and transitory reign.

Death of
Bahram.

Restoration
and policy of
Chosroes,
A. D.
591—603.

The restoration of Chosroes was celebrated with feasts and executions; and the music of the royal banquet was often disturbed by the groans of dying or mutilated criminals. A general pardon might have diffused comfort and tranquillity through a country which had been shaken by the late revolutions; yet, before the sanguinary temper of Chosroes is blamed, we should learn whether the Persians had not been accustomed either to dread the rigour, or to despise the weakness, of their sovereign. The revolt of Bahram, and the conspiracy of the satraps, were impartially punished by the revenge or justice of the conqueror; the merits of Bindoes himself could not purify his hand from the guilt of royal blood; and the son of Hormouz was desirous to assert his own innocence and to vindicate the sanctity of kings. During the vigour of the Roman power, several princes were seated on the throne of Persia by the arms and the

authority of the first Cæsars. But their new subjects were soon disgusted with the vices or virtues which they had imbibed in a foreign land; the instability of their dominion gave birth to a vulgar observation, that the choice of Rome was solicited and rejected with equal ardour by the capricious levity of Oriental slaves¹⁸. But the glory of Maurice was conspicuous in the long and fortunate reign of his *son* and his ally. A band of a thousand Romans, who continued to guard the person of Chosroes, proclaimed his confidence in the fidelity of the strangers; his growing strength enabled him to dismiss this unpopular aid, but he steadily professed the same gratitude and reverence to his adopted father; and till the death of Maurice, the peace and alliance of the two empires were faithfully maintained. Yet the mercenary friendship of the Roman prince had been purchased with costly and important gifts: the strong cities of Martyropolis and Dara were restored, and the Persarmenians became the willing subjects of an empire, whose eastern limit was extended, beyond the example of former times, as far as the banks of the Araxes and the neighbourhood of the Caspian. A pious hope was indulged, that the church as well as the state might triumph in this revolution: but if Chosroes had sincerely listened to the Christian bishops, the impression was erased by the zeal and eloquence of the Magi: if he was armed with philosophic indifference, he accommodated his belief, or rather his professions, to the various

C H A P. XLVI. circumstances of an exile and a sovereign. The imaginary conversion of the king of Persia was reduced to a local and superstitious veneration for Sergius¹⁹, one of the saints of Antioch, who heard his prayers and appeared to him in dreams; he enriched the shrine with offerings of gold and silver, and ascribed to this invisible patron the success of his arms, and the pregnancy of Sira, a devout Christian and the best beloved of his wives²⁰. The beauty of Sira, or Schirin²¹, her wit, her musical talents, are still famous in the history or rather in the romances of the East: her own name is expressive, in the Persian tongue, of sweetness and grace; and the epithet of *Parviz* alludes to the charms of her royal lover. Yet Sira never shared the passion which she inspired, and the bliss of Chosroes was tortured by a jealous doubt, that while he possessed her person, she had bestowed her affections on a meaner favourite²².

Pride, policy,
and power of
the chagan
of the Avars,
A. D.
570—600,
&c.

While the majesty of the Roman name was revived in the East, the prospect of Europe is less pleasing and less glorious. By the departure of the Lombards, and the ruin of the Gepidæ, the balance of power was destroyed on the Danube; and the Avars spread their permanent dominion from the foot of the Alps to the sea-coast of the Euxine. The reign of Baian is the brightest æra of their monarchy; their chagan, who occupied the rustic palace of Attila, appears to have imitated his character and policy²³; but as the same scenes were repeated in a smaller circle,

circle, a minute representation of the copy would be devoid of the greatness and novelty of the original. The pride of the second Justin, of Tiberius, and Maurice, was humbled by a proud Barbarian, more prompt to inflict, than exposed to suffer, the injuries of war; and as often as Asia was threatened by the Persian arms, Europe was oppressed by the dangerous inroads, or costly friendship, of the Avars. When the Roman envoys approached the presence of the chagan, they were commanded to wait at the door of his tent, till, at the end perhaps of ten or twelve days, he condescended to admit them. If the substance or the style of their message was offensive to his ear, he insulted, with real or affected fury, their own dignity, and that of their prince; their baggage was plundered, and their lives were only saved by the promise of a richer present and a more respectful address. But *his* sacred ambassadors enjoyed and abused an unbounded licence in the midst of Constantinople: they urged, with importunate clamours, the increase of tribute, or the restitution of captives and deserters; and the majesty of the empire was almost equally degraded by a base compliance, or by the false and fearful excuses, with which they eluded such insolent demands. The chagan had never seen an elephant; and his curiosity was excited by the strange, and perhaps fabulous, portrait of that wonderful animal. At his command, one of the largest elephants of the Imperial stables was

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CH A P. equipped with stately caparisons, and conducted
 XLVI. by a numerous train to the royal village in the plains of Hungary. He surveyed the enormous beast with surprise, with disgust, and possibly with terror; and smiled at the vain industry of the Romans, who, in search of such useless rarities, could explore the limits of the land and sea. He wished, at the expence of the emperor, to repose in a golden bed. The wealth of Constantinople, and the skilful diligence of her artists, were instantly devoted to the gratification of his caprice; but when the work was finished, he rejected with scorn a present so unworthy the majesty of a great king ²⁴. These were the casual fallies of his pride, but the avarice of the chagan was a more steady and tractable passion: a rich and regular supply of silk apparel, furniture, and plate, introduced the rudiments of art and luxury among the tents of the Scythians; their appetite was stimulated by the pepper and cinnamon of India ²⁵; the annual subsidy or tribute was raised from fourscore to one hundred and twenty thousand pieces of gold; and after each hostile interruption, the payment of the arrears, with exorbitant interest, was always made the first condition of the new treaty. In the language of a Barbarian, without guile, the prince of the Avars affected to complain of the insincerity of the Greeks ²⁶, yet he was not inferior to the most civilized nations in the refinements of dissimulation and perfidy. As the successor of the Lombards, the chagan asserted his

claim to the important city of Sirmium, the ancient bulwark of the Illyrian provinces²⁷. The plains of the Lower Hungary were covered with the Avar horse, and a fleet of large boats was built in the Hercynian wood, to descend the Danube, and to transport into the Save the materials of a bridge. But as the strong garrison of Singidunum, which commanded the conflux of the two rivers, might have stopped their passage and baffled his designs, he dispelled their apprehensions by a solemn oath, that his views were not hostile to the empire. He swore by his sword, the symbol of the god of war, that he did not, as the enemy of Rome, construct a bridge upon the Save. "If I violate my oath," pursued the intrepid Baian, "may I myself, and the last of
" my nation, perish by the sword! may the
" heavens, and fire, the deity of the heavens, fall
" upon our heads! may the forests and moun-
" tains bury us in their ruins! and the Save
" returning, against the laws of nature, to his
" source, overwhelm us in his angry waters!" After this barbarous imprecation, he calmly enquired, what oath was most sacred and venerable among the Christians, what guilt of perjury it was most dangerous to incur. The bishop of Singidunum presented the gospel, which the chagan received with devout reverence. "I swear," said he, "by the God who has spoken in this
" holy book, that I have neither falsehood on
" my tongue nor treachery in my heart." As soon as he rose from his knees, he accelerated

C H A P. the labour of the bridge, and dispatched an envoy
 XLVI. to proclaim what he no longer wished to conceal. "Inform the emperor," said the perfidious Baian, "that Sirmium is invested on every side. Advise his prudence to withdraw the citizens and their effects, and to resign a city which it is now impossible to relieve or defend." Without the hope of relief, the defence of Sirmium was prolonged above three years: the walls were still untouched; but famine was inclosed within the walls, till a merciful capitulation allowed the escape of the naked and hungry inhabitants. Singidunum, at the distance of fifty miles, experienced a more cruel fate: the buildings were razed, and the vanquished people was condemned to servitude and exile. Yet the ruins of Sirmium are no longer visible; the advantageous situation of Singidunum soon attracted a new colony of Slavonians, and the conflux of the Save and Danube is still guarded by the fortifications of Belgrade, or the *White City*, so often and so obstinately disputed by the Christian and Turkish arms²⁸. From Belgrade to the walls of Constantinople a line may be measured of six hundred miles: that line was marked with flames and with blood; the horses of the Avars were alternately bathed in the Euxine and the Adriatic; and the Roman pontiff, alarmed by the approach of a more savage enemy²⁹, was reduced to cherish the Lombards as the protectors of Italy. The despair of a captive, whom his country refused to ransom, disclosed to the Avars the

invention and practice of military engines ³⁰, but in the first attempts, they were rudely framed, and awkwardly managed; and the resistance of Diocletianopolis and Beræa¹, of Philippopolis and Adrianople, soon exhausted the skill and patience of the besiegers. The warfare of Baian was that of a Tartar, yet his mind was susceptible of a humane and generous sentiment: he spared Anchialus, whose salutary waters had restored the health of the best beloved of his wives; and the Romans confess, that their starving army was fed and dismissed by the liberality of a foe. His empire extended over Hungary, Poland, and Prussia, from the mouth of the Danube to that of the Oder ³¹; and his new subjects were divided and transplanted by the jealous policy of the conqueror ³². The eastern regions of Germany, which had been left vacant by the emigration of the Vandals, were replenished with Slavonian colonists; the same tribes are discovered in the neighbourhood of the Adriatic and of the Baltic, and with the name of Baian himself, the Illyrian cities of Neyfs and Lissa are again found in the heart of Silesia. In the disposition both of his troops and provinces, the chagan exposed the vassals, whose lives he disregarded ³³, to the first assault; and the swords of the enemy were blunted before they encountered the native valour of the Avars.

The Persian alliance restored the troops of the East to the defence of Europe; and Maurice, who had supported ten years the insolence of the

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Wars of
Maurice
against the
Avars,

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chagan, declared his resolution to march in person against the Barbarians. In the space of two centuries, none of the successors of Theodosius had appeared in the field, their lives were supinely spent in the palace of Constantinople; and the Greeks could no longer understand, that the name of *emperor*, in its primitive sense, denoted the chief of the armies of the republic. The martial ardour of Maurice was opposed by the grave flattery of the senate, the timid superstition of the patriarch, and the tears of the empress Constantina; and they all conjured him to devolve on some meaner general the fatigues and perils of a Scythian campaign. Deaf to their advice and entreaty, the emperor boldly advanced ³⁴ seven miles from the capital; the sacred ensign of the cross was displayed in the front, and Maurice reviewed, with conscious pride, the arms and numbers of the veterans who had fought and conquered beyond the Tigris. Anchialus was the last term of his progress by sea and land; he solicited, without success, a miraculous answer to his nocturnal prayers; his mind was confounded by the death of a favourite horse, the encounter of a wild boar, a storm of wind and rain, and the birth of a monstrous child; and he forgot that the best of omens is, to unsheath our sword in the defence of our country ³⁵. Under the pretence of receiving the ambassadors of Persia, the emperor returned to Constantinople, exchanged the thoughts of war for those of devotion, and disappointed the public hope by his absence and

the choice of his lieutenants. The blind partiality of fraternal love might excuse the promotion of his brother Peter, who fled with equal disgrace from the Barbarians, from his own soldiers, and from the inhabitants of a Roman city. That city, if we may credit the resemblance of name and character, was the famous Azimuntium³⁶, which had alone repelled the tempest of Attila. The example of her warlike youth was propagated to succeeding generations; and they obtained, from the first or the second Justin, an honourable privilege, that their valour should be always reserved for the defence of their native country. The brother of Maurice attempted to violate this privilege, and to mingle a patriot band with the mercenaries of his camp; they retired to the church, he was not awed by the sanctity of the place; the people rose in their cause, the gates were shut, the ramparts were manned; and the cowardice of Peter was found equal to his arrogance and injustice. The military fame of Commentiolus³⁷ is the object of satire or comedy rather than of serious history, since he was even deficient in the vile and vulgar qualification of personal courage. His solemn councils, strange evolutions, and secret orders, always supplied an apology for flight or delay. If he marched against the enemy, the pleasant vallies of mount Hæmus opposed an insuperable barrier; but in his retreat, he explored, with fearless curiosity, the most difficult and obsolete paths, which had almost escaped the memory of the oldest native. The only blood

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which he lost was drawn, in a real or affected malady, by the lancet of a surgeon; and his health, which felt with exquisite sensibility the approach of the Barbarians, was uniformly restored by the repose and safety of the winter season. A prince who could promote and support this unworthy favourite must derive no glory from the accidental merit of his colleague Priscus³⁸. In five successive battles, which seem to have been conducted with skill and resolution, seventeen thousand two hundred Barbarians were made prisoners: near sixty thousand, with four sons of the chagan, were slain: the Roman general surprised a peaceful district of the Gepidæ, who slept under the protection of the Avars; and his last trophies were erected on the banks of the Danube and the Teyfs. Since the death of Trajan, the arms of the empire had not penetrated so deeply into the old Dacia: yet the success of Priscus was transient and barren; and he was soon recalled, by the apprehension, that Baian, with dauntless spirit and recruited forces, was preparing to avenge his defeat under the walls of Constantinople³⁹.

State of the
Roman ar-
mies:

The theory of war was not more familiar to the camps of Cæsar and Trajan, than to those of Justinian and Maurice⁴⁰. The iron of Tuscany or Pontus still received the keenest temper from the skill of the Byzantine workmen. The magazines were plentifully stored with every species of offensive and defensive arms. In the construction and use of ships, engines, and fortifications, the

Barbarians admired the superior ingenuity of a people whom they so often vanquished in the field. The science of tactics, the order, evolutions, and stratagems of antiquity, was transcribed and studied in the books of the Greeks and Romans. But the solitude or degeneracy of the provinces could no longer supply a race of men to handle those weapons, to guard those walls, to navigate those ships, and to reduce the theory of war into bold and successful practice. The genius of Belisarius and Narses had been formed without a master, and expired without a disciple. Neither honour, nor patriotism, nor generous superstition, could animate the lifeless bodies of slaves and strangers, who had succeeded to the honours of the legions; it was in the camp alone that the emperor should have exercised a despotic command; it was only in the camps that his authority was disobeyed and insulted: he appeased and inflamed with gold the licentiousness of the troops; but their vices were inherent, their victories were accidental, and their costly maintenance exhausted the substance of a state which they were unable to defend. After a long and pernicious indulgence, the cure of this inveterate evil was undertaken by Maurice: but the rash attempt, which drew destruction on his own head, tended only to aggravate the disease. A reformer should be exempt from the suspicion of interest, and he must possess the confidence and esteem of those whom he proposes to reclaim. The troops of Maurice might listen to the voice

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their discon-
tent,

of a victorious leader; they disdained the admonitions of statesmen and sophists, and when they received an edict which deducted from their pay the price of their arms and clothing, they execrated the avarice of a prince insensible of the dangers and fatigues from which he had escaped. The camps both of Asia and Europe were agitated with frequent and furious seditions⁴¹; the enraged soldiers of Edessa pursued, with reproaches, with threats, with wounds, their trembling generals: they overturned the statues of the emperor, cast stones against the miraculous image of Christ, and either rejected the yoke of all civil and military laws, or instituted a dangerous model of voluntary subordination. The monarch, always distant and often deceived, was incapable of yielding or persisting according to the exigence of the moment. But the fear of a general revolt induced him too readily to accept any act of valour, or any expression of loyalty, as an atonement for the popular offence; the new reform was abolished as hastily as it had been announced, and the troops, instead of punishment and restraint, were agreeably surprised by a gracious proclamation of immunities and rewards. But the soldiers accepted without gratitude the tardy and reluctant gifts of the emperor; their insolence was elated by the discovery of his weakness and their own strength; and their mutual hatred was inflamed beyond the desire of forgiveness or the hope of reconciliation. The historians of the times adopt the vulgar suspicion, that Maurice

conspired to destroy the troops whom he had laboured to reform; the misconduct and favour of Commentiolus are imputed to this malevolent design; and every age must condemn the inhumanity or avarice⁴² of a prince, who, by the trifling ransom of six thousand pieces of gold, might have prevented the massacre of twelve thousand prisoners in the hands of the chagan. In the just fervour of indignation, an order was signified to the army of the Danube, that they should spare the magazines of the province, and establish their winter-quarters in the hostile country of the Avars. The measure of their grievances was full: they pronounced Maurice unworthy to reign, expelled or slaughtered his faithful adherents, and, under the command of Phocas, a simple centurion, returned by hasty marches to the neighbourhood of Constantinople. After a long series of legal succession, the military disorders of the third century were again revived; yet such was the novelty of the enterprise, that the insurgents were awed by their own rashness. They hesitated to invest their favourite with the vacant purple, and while they rejected all treaty with Maurice himself, they held a friendly correspondence with his son Theodosius, and with Germanus the father-in-law of the royal youth. So obscure had been the former condition of Phocas, that the emperor was ignorant of the name and character of his rival: but as soon as he learned, that the centurion, though bold in fedition, was timid in

and rebel-
lion.

Election of
Phocas,
A. D. 602,
October.

C H A P. the face of danger, "Alas!" cried the despond-
 XLVI. ing prince, "if he is a coward, he will surely be
 "a murderer."

Revolt of
 Constantino-
 ple.

Yet if Constantinople had been firm and faith-
 ful, the murderer might have spent his fury
 against the walls; and the rebel army would
 have been gradually consumed or reconciled by
 the prudence of the emperor. In the games of
 the circus, which he repeated with unusual
 pomp, Maurice disguised with smiles of con-
 fidence the anxiety of his heart, condescended to
 solicit the applause of the *factions*, and flattered
 their pride by accepting from their respective
 tribunes a list of nine hundred *blues* and fifteen
 hundred *greens*, whom he affected to esteem as
 the solid pillars of his throne. Their treacherous
 or languid support betrayed his weakness and
 hastened his fall; the green faction were the
 secret accomplices of the rebels, and the blues
 recommended lenity and moderation in a contest
 with their Roman brethren. The rigid and
 parsimonious virtues of Maurice had long since
 alienated the hearts of his subjects: as he walked
 barefoot in a religious procession, he was rudely
 assaulted with stones, and his guards were
 compelled to present their iron maces in the
 defence of his person. A fanatic monk ran through
 the streets with a drawn sword, denouncing
 against him the wrath and the sentence of God,
 and a vile plebeian, who represented his coun-
 tenance and apparel, was seated on an ass, and
 pursued by the imprecations of the multitude⁴³.

The emperor suspected the popularity of Germanus with the soldiers and citizens; he feared, he threatened, but he delayed to strike; the patrician fled to the sanctuary of the church; the people rose in his defence, the walls were deserted by the guards, and the lawless city was abandoned to the flames and rapine of a nocturnal tumult. In a small bark, the unfortunate Maurice, with his wife and nine children, escaped to the Asiatic shore, but the violence of the wind compelled him to land at the church of St. Autonomus⁴⁴ near Chalcedon, from whence he dispatched Theodosius, his eldest son, to implore the gratitude and friendship of the Persian monarch. For himself, he refused to fly: his body was tortured with sciatic pains⁴⁵, his mind was enfeebled by superstition; he patiently awaited the event of the revolution, and addressed a fervent and public prayer to the Almighty, that the punishment of his sins might be inflicted in this world, rather than in a future life. After the abdication of Maurice, the two factions disputed the choice of an emperor; but the favourite of the blues was rejected by the jealousy of their antagonists, and Germanus himself was hurried along by the crowds, who rushed to the palace of Hebdomon, seven miles from the city, to adore the majesty of Phocas the centurion. A modest wish of resigning the purple to the rank and merit of Germanus was opposed by *his* resolution, more obstinate and equally sincere: the senate and clergy obeyed his summons, and as soon as the

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patriarch was assured of his orthodox belief, he consecrated the successful usurper in the church of St. John the Baptist. On the third day, amidst the acclamations of a thoughtless people, Phocas made his public entry in a chariot drawn by four white horses: the revolt of the troops was rewarded by a lavish donative, and the new sovereign, after visiting the palace, beheld from his throne the games of the hippodrome. In a dispute of precedence between the two factions, his partial judgment inclined in favour of the greens. "Remember that Maurice is still alive," resounded from the opposite side; and the indiscreet clamour of the blues admonished and stimulated the cruelty of the tyrant. The ministers of death were dispatched to Chalcedon: they dragged the emperor from his sanctuary: and the five sons of Maurice were successively murdered before the eyes of their agonizing parent. At each stroke which he felt in his heart, he found strength to rehearse a pious ejaculation: "Thou art just, O Lord, and thy judgments are righteous." And such, in the last moments, was his rigid attachment to truth and justice, that he revealed to the soldiers the pious falsehood of a nurse who presented her own child in the place of a royal infant⁴⁶. The tragic scene was finally closed by the execution of the emperor himself in the twentieth year of his reign and the sixty-third of his age. The bodies of the father and his five sons were cast into the sea, their heads were exposed at Constantinople

Death of
Maurice and
his children,
A. D. 602,
Nov. 27.

to the insults or pity of the multitude, and it was not till some signs of putrefaction had appeared, that Phocas connived at the private burial of these venerable remains. In that grave, the faults and errors of Maurice were kindly interred. His fate alone was remembered; and at the end of twenty years in the recital of the history of Theophylact, the mournful tale was interrupted by the tears of the audience ⁴⁷.

Such tears must have flowed in secret, and such compassion would have been criminal, under the reign of Phocas, who was peaceably acknowledged in the provinces of the East and West. The images of the emperor and his wife Leontia were exposed in the Lateran to the veneration of the clergy and senate of Rome, and afterwards deposited in the palace of the Cæsars, between those of Constantine and Theodosius. As a subject and a Christian, it was the duty of Gregory to acquiesce in the established government, but the joyful applause with which he salutes the fortune of the assassin, has sullied, with indelible disgrace, the character of the saint. The successor of the apostles might have inculcated with decent firmness the guilt of blood, and the necessity of repentance: he is content to celebrate the deliverance of the people and the fall of the oppressor; to rejoice that the piety and benignity of Phocas have been raised by Providence to the Imperial throne, to pray that his hands may be strengthened against all his enemies; and to express a wish, perhaps a prophecy, that, after a

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Phocas emperor,
A. D. 602,
Nov. 23—
A. D. 610,
October 4.

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His charac-
ter,

long and triumphant reign, he may be transferred from a temporal to an everlasting kingdom⁴⁹. I have already traced the steps of a revolution so pleasing, in Gregory's opinion, both to heaven and earth; and Phocas does not appear less hateful in the exercise than in the acquisition of power. The pencil of an impartial historian has delineated the portrait of a monster⁵⁰; his diminutive and deformed person, the closeness of his shaggy eye-brows, his red hair, his beardless chin, and his cheek disfigured and discoloured by a formidable scar. Ignorant of letters, of laws, and even of arms, he indulged in the supreme rank a more ample privilege of lust and drunkenness, and his brutal pleasures were either injurious to his subjects or disgraceful to himself. Without assuming the office of a prince, he renounced the profession of a soldier; and the reign of Phocas afflicted Europe with ignominious peace, and Asia with desolating war. His savage temper was inflamed by passion, hardened by fear, exasperated by resistance or reproach. The flight of Theodosius to the Persian court had been intercepted by a rapid pursuit, or a deceitful message: he was beheaded at Nice, and the last hours of the young prince were soothed by the comforts of religion and the consciousness of innocence. Yet his phantom disturbed the repose of the usurper: a whisper was circulated through the East, that the son of Maurice was still alive: the people expected their avenger, and the widow and daughters of the late emperor would have adopted

as their son and brother the vilest of mankind. In the massacre of the Imperial family^o, the mercy, or rather the discretion, of Phocas had spared these unhappy females, and they were decently confined to a private house. But the spirit of the empress Constantina, still mindful of her father, her husband, and her sons, aspired to freedom and revenge. At the dead of night, she escaped to the sanctuary of S. Sophia; but her tears, and the gold of her associate Germanus, were insufficient to provoke an insurrection. Her life was forfeited to revenge, and even to justice: but the patriarch obtained and pledged an oath for her safety; a monastery was allotted for her prison, and the widow of Maurice accepted and abused the lenity of his assassin. The discovery or the suspicion of a second conspiracy, dissolved the engagements and rekindled the fury of Phocas. A matron who commanded the respect and pity of mankind, the daughter, wife, and mother of emperors, was tortured like the vilest malefactor, to force a confession of her designs and associates; and the empress Constantina, with her three innocent daughters, was beheaded at Chalcedon, and tyranny. on the same ground which had been stained with the blood of her husband and five sons. After such an example, it would be superfluous to enumerate the names and sufferings of meaner victims. Their condemnation was seldom preceded by the forms of trial, and their punishment was embittered by the refinements of cruelty: their eyes were pierced, their tongues were torn

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C H A P. XLVI. from the root, the hands and feet were amputated; some expired under the lash, others in the flames, others again were transfixed with arrows; and a simple speedy death was mercy which they could rarely obtain. The hippodrome, the sacred asylum of the pleasures and the liberty of the Romans, was polluted with heads and limbs, and mangled bodies; and the companions of Phocas were the most sensible, that neither his favour, nor their services, could protect them from a tyrant, the worthy rival of the Caligulas and Domitians of the first age of the empire⁵¹.

His fall and death,
A. D. 610,
October 4.

A daughter of Phocas, his only child, was given in marriage to the patrician Crispus⁵², and the *royal* images of the bride and bridegroom were indiscreetly placed in the circus, by the side of the emperor. The father must desire that his posterity should inherit the fruit of his crimes, but the monarch was offended by this premature and popular association: the tribunes of the green faction, who accused the officious error of their sculptors, were condemned to instant death: their lives were granted to the prayers of the people; but Crispus might reasonably doubt, whether a jealous usurper could forget and pardon his involuntary competition. The green faction was alienated by the ingratitude of Phocas and the loss of their privileges; every province of the empire was ripe for rebellion; and Heraclius, exarch of Africa, persisted above two years in refusing all tribute and obedience to the centurion who disgraced the throne of Constantinople. By the secret

emissaries of Crispus and the senate, the independent exarch was solicited to save and to govern his country: but his ambition was chilled by age, and he resigned the dangerous enterprize to his son Heraclius, and to Nicetas, the son of Gregory his friend and lieutenant. The powers of Africa were armed by the two adventurous youths; they agreed that the one should navigate the fleet from Carthage to Constantinople, that the other should lead an army through Egypt and Asia, and that the Imperial purple should be the reward of diligence and success. A faint rumour of their undertaking was conveyed to the ears of Phocas, and the wife and mother of the younger Heraclius were secured as the hostages of his faith: but the treacherous art of Crispus extenuated the distant peril, the means of defence were neglected or delayed, and the tyrant supinely slept till the African navy cast anchor in the Hellespont. Their standard was joined at Abydus by the fugitives and exiles who thirsted for revenge; the ships of Heraclius, whose lofty masts were adorned with the holy symbols of religion³, steered their triumphant course through the Propontis; and Phocas beheld from the windows of the palace, his approaching and inevitable fate. The green faction was tempted, by gifts and promises, to oppose a feeble and fruitless resistance to the landing of the Africans; but the people, and even the guards, were determined by the well-timed defection of Crispus; and the tyrant was seized by a private enemy, who boldly invaded the

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Reign of Hera-
clius,
A. D. 610,
October 4—
A. D. 642,
February 11.

solitude of the palace. Stripped of the diadem and purple, clothed in a vile habit, and loaded with chains, he was transported in a small boat to the Imperial galley of Heraclius, who reproached him with the crimes of his abominable reign. "Wilt thou govern better?" were the last words of the despair of Phocas. After suffering each variety of insult and torture, his head was severed from his body, the mangled trunk was cast into the flames, and the same treatment was inflicted on the statues of the vain usurper and the seditious banner of the green faction. The voice of the clergy, the senate, and the people, invited Heraclius to ascend the throne which he had purified from guilt and ignominy; after some graceful hesitation, he yielded to their entreaties. His coronation was accompanied by that of his wife Eudoxia; and their posterity, till the fourth generation, continued to reign over the empire of the East. The voyage of Heraclius had been easy and prosperous, the tedious march of Nicetas was not accomplished before the decision of the contest: but he submitted without a murmur to the fortune of his friend, and his laudable intentions were rewarded with an equestrian statue, and a daughter of the emperor. It was more difficult to trust the fidelity of Crispus, whose recent services were recompensed by the command of the Cappadocian army. His arrogance soon provoked, and seemed to excuse, the ingratitude of his new sovereign. In the presence of the senate, the son-in-law of Phocas was condemned

to embrace the monastic life ; and the sentence was justified by the weighty observation of Heraclius, that the man who had betrayed his father, could never be faithful to his friend⁵⁴.

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Even after his death the republic was afflicted by the crimes of Phocas, which armed with a pious cause the most formidable of her enemies.

Chosroes in-
vades the Ro-
man empire,
A. D. 603,
&c.

According to the friendly and equal forms of the Byzantine and Persian courts, he announced his exaltation to the throne; and his ambassador Lilius, who had presented him with the heads of Maurice and his sons, was the best qualified to describe the circumstances of the tragic scene⁵⁵. However it might be varnished by fiction or sophistry, Chosroes turned with horror from the assassin, imprisoned the pretended envoy, disclaimed the usurper, and declared himself the avenger of his father and benefactor. The sentiments of grief and resentment which humanity would feel, and honour would dictate, promoted, on this occasion, the interest of the Persian king; and his interest was powerfully magnified by the national and religious prejudices of the Magi and satraps. In a strain of artful adulation, which assumed the language of freedom, they presumed to censure the excess of his gratitude and friendship for the Greeks; a nation with whom it was dangerous to conclude either peace or alliance; whose superstition was devoid of truth and justice, and who must be incapable of any virtue, since they could perpetrate the most atrocious of crimes, the impious murder of their sovereign⁵⁶. For the crime

CHAP. of an ambitious centurion, the nation which he
XLVI. oppressed was chastised with the calamities of war;
and the same calamities, at the end of twenty
years, were retaliated and redoubled on the heads
of the Persians⁵⁷. The general who had restored
Chosroes to the throne still commanded in the
East; and the name of Narses was the formidable
sound with which the Assyrian mothers were ac-
customed to terrify their infants. It is not im-
probable, that a native subject of Persia should
encourage his master and his friend to deliver
and possess the provinces of Asia. It is still more
probable, that Chosroes should animate his troops
by the assurance that the sword which they
dreaded the most would remain in its scabbard,
or be drawn in their favour. The hero could
not depend on the faith of a tyrant; and the
tyrant was conscious how little he deserved the
obedience of an hero: Narses was removed from
his military command; he reared an independent
standard at Hierapolis in Syria: he was betrayed
by fallacious promises, and burnt alive in the
market-place of Constantinople. Deprived of
the only chief whom they could fear or esteem,
the bands which he had led to victory were
twice broken by the cavalry, trampled by the
elephants, and pierced by the arrows of the Bar-
barians; and a great number of the captives were
beheaded on the field of battle by the sentence
of the victor, who might justly condemn these
seditious mercenaries as the authors or accom-
plices of the death of Maurice. Under the reign

of Phocas, the fortifications of Merdin, Dara, Amida, and Edeffa, were fucceffively befieged, reduced, and deftroyed, by the Perfian monarch: he paffed the Euphrates, occupied the Syrian cities, Hierapolis, Chalcis, and Berrhæa or Aleppo, and foon encompassed the walls of Antioch with his irrefiftible arms. The rapid tide of fuccefs difclofes the decay of the empire, the incapacity of Phocas, and the difaffection of his fubjects; and Chofroes provided a decent apology for their fubmiffion or revolt, by an impoftor who attended his camp as the fon of Maurice⁵⁸ and the lawful heir of the monarchy.

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His conquest
of Syria,
A. D. 611.

The firft intelligence from the Eaft which Heraclius received⁵⁹, was that of the lofs of Antioch; but the aged metropolis, fo often overturned by earthquakes and pillaged by the enemy, could fupply but a fmall and languid ftream of treasure and blood. The Perfians were equally fuccefsful and more fortunate in the fack of Cæfarea, the capital of Cappadocia; and as they advanced beyond the ramparts of the frontier, the boundary of ancient war, they found a lefs obftinate refiftance and a more plentiful harveft. The pleafant vale of Damafcus has been adorned in every age with a royal city: her obfcure felicity has hitherto efcaped the hiftorian of the Roman empire: but Chofroes repofed his troops in the paradise of Damafcus before he afcended the hills of Libanus, or invaded the cities of the Phœnician coaft. The conquest of Jerufalem⁶⁰, which had been meditated by Nufhirvan, was atchieved by the zeal

of Palestine,
A. D. 614.

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and avarice of his grandson; the ruin of the proudest monument of Christianity was vehemently urged by the intolerant spirit of the Magi; and he could enlist, for this holy warfare, an army of six and twenty thousand Jews, whose furious bigotry might compensate, in some degree, for the want of valour and discipline. After the reduction of Galilee, and the region beyond the Jordan, whose resistance appears to have delayed the fate of the capital, Jerusalem itself was taken by assault. The sepulchre of Christ, and the stately churches of Helena and Constantine, were consumed, or at least damaged, by the flames; the devout offerings of three hundred years were rifled in one sacrilegious day; the patriarch Zachariah, and the *true cross*, were transported into Persia; and the massacre of ninety thousand Christians is imputed to the Jews and Arabs who swelled the disorder of the Persian march. The fugitives of Palestine were entertained at Alexandria by the charity of John the archbishop, who is distinguished among a crowd of saints by the epithet of *almsgiver*⁶¹: and the revenues of the church, with a treasure of three hundred thousand pounds, were restored to the true proprietors, the poor of every country and every denomination. But Egypt itself, the only province which had been exempt, since the time of Diocletian, from foreign and domestic war, was again subdued by the successors of Cyrus. Pelusium, the key of that impervious country, was surprised by the cavalry of the Persians: they

of Egypt,
A. D. 616.

passed, with impunity, the innumerable channels of the Delta, and explored the long valley of the Nile, from the pyramids of Memphis to the confines of Æthiopia. Alexandria might have been relieved by a naval force, but the archbishop and the præfect embarked for Cyprus; and Chosroes entered the second city of the empire, which still preserved a wealthy remnant of industry and commerce. His western trophy was erected, not on the walls of Carthage⁶², but in the neighbourhood of Tripoli: the Greek colonies of Cyrene were finally extirpated; and the conqueror, treading in the footsteps of Alexander, returned in triumph through the sands of the Lybian desert. In the same campaign, another army advanced from the Euphrates to the Thracian Bosphorus; Chalcedon surrendered after a long siege, and a Persian camp was maintained above ten years in the presence of Constantinople. The sea-coast of Pontus, the city of Ancyra, and the isle of Rhodes, are enumerated among the last conquests of the great king; and if Chosroes had possessed any maritime power, his boundless ambition would have spread slavery and desolation over the provinces of Europe.

From the long-disputed banks of the Tigris and Euphrates, the reign of the grandson of Nushirvan was suddenly extended to the Hellespont and the Nile, the ancient limits of the Persian monarchy. But the provinces, which had been fashioned by the habits of six hundred years to the virtues and vices of the Roman government,

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of Asia Mi-
nor,
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&c.

His reign
and magnifi-
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supported with reluctance the yoke of the Barbarians. The idea of a republic was kept alive by the institutions, or at least by the writings, of the Greeks and Romans, and the subjects of Heraclius had been educated to pronounce the words of liberty and law. But it has always been the pride and policy of Oriental princes, to display the titles and attributes of their omnipotence; to upbraid a nation of slaves with their true name and abject condition, and to enforce, by cruel and insolent threats, the rigour of their absolute commands. The Christians of the East were scandalized by the worship of fire, and the impious doctrine of the two principles: the Magi were not less intolerant than the bishops, and the martyrdom of some native Persians, who had deserted the religion of Zoroaster⁶³, was conceived to be the prelude of a fierce and general persecution. By the oppressive laws of Justinian, the adversaries of the church were made the enemies of the state; the alliance of the Jews, Nestorians, and Jacobites, had contributed to the success of Chosroes, and his partial favour to the sectaries provoked the hatred and fears of the Catholic clergy. Conscious of their fear and hatred, the Persian conqueror governed his new subjects with an iron sceptre; and as if he suspected the stability of his dominion, he exhausted their wealth by exorbitant tributes and licentious rapine, despoiled or demolished the temples of the East, and transported to his hereditary realms the gold, the silver, the precious marbles, the arts, and the

artists of the Asiatic cities. In the obscure picture of the calamities of the empire⁶⁴, it is not easy to discern the figure of Chosroes himself, to separate his actions from those of his lieutenants, or to ascertain his personal merit in the general blaze of glory and magnificence. He enjoyed with ostentation the fruits of victory, and frequently retired from the hardships of war to the luxury of the palace. But in the space of twenty-four years, he was deterred by superstition or resentment from approaching the gates of Ctesiphon: and his favourite residence of Artemita or Dastagerd, was situate beyond the Tigris, about sixty miles to the north of the capital⁶⁵. The adjacent pastures were covered with flocks and herds: the paradise or park was replenished with pheasants, peacocks, ostriches, roebucks, and wild boars, and the noble game of lions and tygers was sometimes turned loose for the bolder pleasures of the chace. Nine hundred and sixty elephants were maintained for the use or splendour of the great king: his tents and baggage were carried into the field by twelve thousand great camels and eight thousand of a smaller size⁶⁶: and the royal stables were filled with six thousand mules and horses, among whom the names of Shebdiz and Barid are renowned for their speed or beauty. Six thousand guards successively mounted before the palace gate; the service of the interior apartments was performed by twelve thousand slaves, and in the number of three thousand virgins, the fairest of Asia,

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some happy concubine might console her master for the age or the indifference of Sira. The various treasures of gold, silver, gems, silk, and aromatics, were deposited in an hundred subterraneous vaults; and the chamber *Badaverd* denoted the accidental gift of the winds which had waisted the spoils of Heraclius into one of the Syrian harbours of his rival. The voice of flattery; and perhaps of fiction, is not ashamed to compute the thirty thousand rich hangings that adorned the walls; the forty thousand columns of silver, or more probably of marble, and plated wood, that supported the roof; and the thousand globes of gold suspended in the dome to imitate the motions of the planets and the constellations of the zodiac⁶⁷. While the Persian monarch contemplated the wonders of his art and power, he received an epistle from an obscure citizen of Mecca, inviting him to acknowledge Mahomet as the apostle of God. He rejected the invitation, and tore the epistle. It “is thus,” exclaimed the Arabian prophet, that “God will tear the kingdom, and reject the supplications of Chosroes⁶⁸”. Placed on the verge of the two great empires of the East, Mahomet observed with secret joy, the progress of their mutual destruction, and in the midst of the Persian triumphs, he ventured to foretell, that before many years should elapse, victory would again return to the banners of the Romans⁶⁹.

Distress of
Heraclius,

At the time when this prediction is said to have been delivered, no prophecy could be more

distant from its accomplishment, since the first twelve years of Heraclius announced the approaching dissolution of the empire. If the motives of Chosroes had been pure and honourable, he must have ended the quarrel with the death of Phocas, and he would have embraced as his best ally, the fortunate African who had so generously avenged the injuries of his benefactor Maurice. The prosecution of the war revealed the true character of the Barbarian; and the suppliant embassies of Heraclius, to beseech his clemency, that he would spare the innocent, accept a tribute, and give peace to the world, were rejected with contemptuous silence or insolent menace. Syria, Egypt, and the provinces of Asia, were subdued by the Persian arms, while Europe, from the confines of Istria to the long wall of Thrace, was oppressed by the Avars, unsatiated with the blood and rapine of the Italian war. They had coolly massacred their male captives in the sacred field of Pannonia; the women and children were reduced to servitude, and the noblest virgins were abandoned to the promiscuous lust of the Barbarians. The amorous matron who opened the gates of Friuli passed a short night in the arms of her royal lover; the next evening, Romilda was condemned to the embraces of twelve Avars, and the third day the Lombard princess was impaled in the sight of the camp, while the chagan observed, with a cruel smile, that such a husband was the fit recompense of her lewdness and perfidy". By these implacable enemies, Heraclius,

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on either side, was insulted and besieged: and the Roman empire was reduced to the walls of Constantinople, with the remnant of Greece, Italy, and Africa; and some maritime cities, from Tyre to Trebizond, of the Asiatic coast. After the loss of Egypt, the capital was afflicted by famine and pestilence; and the emperor, incapable of resistance, and hopeless of relief, had resolved to transfer his person and government to the more secure residence of Carthage. His ships were already laden with the treasures of the palace, but his flight was arrested by the patriarch, who armed the powers of religion in the defence of his country, led Heraclius to the altar of St. Sophia, and extorted a solemn oath, that he would live and die with the people whom God had entrusted to his care. The chagan was encamped in the plains of Thrace, but he dissembled his perfidious designs, and solicited an interview with the emperor near the town of Heraclea. Their reconciliation was celebrated with equestrian games, the senate and people in their gayest apparel resorted to the festival of peace, and the Avars beheld with envy and desire, the spectacle of Roman luxury. On a sudden, the hippodrome was encompassed by the Scythian cavalry, who had pressed their secret and nocturnal march: the tremendous sound of the chagan's whip gave the signal of the assault; and Heraclius wrapping his diadem round his arm, was saved, with extreme hazard, by the fleetness of his horse. So rapid was the pursuit, that the Avars almost entered the golden gate of Constantinople with the flying

crowds⁷¹; but the plunder of the suburbs rewarded their treason, and they transported beyond the Danube two hundred and seventy thousand captives. On the shore of Chalcedon, the emperor held a savor conference with a more honourable foe, who, before Heraclius descended from his galley, saluted with reverence and pity the majesty of the purple. The friendly offer of Sain the Persian general, to conduct an embassy to the presence of the great king, was accepted with the warmest gratitude, and the prayer for pardon and peace was humbly presented by the prætorian præfect, the præfect of the city, and one of the first ecclesiastics of the patriarchal church⁷². But the lieutenant of Chosroes had fatally mistaken the intentions of his master. "It was not an embassy," said the tyrant of Asia, "it was the person of Heraclius, bound in chains, that he should have brought to the foot of my throne. I will never give peace to the emperor of Rome till he has abjured his crucified God, and embraced the worship of the sun." Sain was flayed alive, according to the inhuman practice of his country; and the separate and rigorous confinement of the ambassadors, violated the law of nations and the faith of an express stipulation. Yet the experience of six years at length persuaded the Persian monarch to renounce the conquest of Constantinople, and to specify the annual tribute or ransom of the Roman empire: a thousand talents of gold, a thousand talents of silver, a thousand silk-robcs, a thousand horses, and a thousand virgins. Heraclius subscribed these

He solicits
peace.

CHAP. XLVI. ignominious terms, but the time and space which he obtained to collect such treasures from the poverty of the East, was industriously employed in the preparations of a bold and desperate attack.

His preparations for war, A. D. 621.

Of the characters conspicuous in history, that of Heraclius is one of the most extraordinary and inconsistent. In the first and the last years of a long reign, the emperor appears to be the slave of sloth, of pleasure, or of superstition, the careless and impotent spectator of the public calamities. But the languid mists of the morning and evening are separated by the brightness of the meridian sun: the Arcadius of the palace, arose the Cæsar of the camp; and the honour of Rome and Heraclius was gloriously retrieved by the exploits and trophies of six adventurous campaigns. It was the duty of the Byzantine historians to have revealed the causes of his slumber and vigilance. At this distance, we can only conjecture that he was endowed with more personal courage than political resolution; that he was detained by the charms and perhaps the arts of his niece Martina, with whom, after the death of Eudoxia, he contracted an incestuous marriage⁷³; and that he yielded to the base advice of the counsellors, who urged as a fundamental law, that the life of the emperor should never be exposed in the field⁷⁴. Perhaps he was awakened by the last insolent demand of the Persian conqueror; but at the moment when Heraclius assumed the spirit of an hero, the only hopes of the Romans were drawn from the vicissitudes

vicissitudes of fortune, which might threaten the proud prosperity of Chosroes, and must be favourable to those who had attained the lowest period of depression⁷⁵. To provide for the expences of war, was the first care of the emperor, and for the purpose of collecting the tribute, he was allowed to solicit the benevolence of the Eastern provinces. But the revenue no longer flowed in the usual channels, the credit of an arbitrary prince is annihilated by his power; and the courage of Heraclius was first displayed in daring to borrow the consecrated wealth of churches, under the solemn vow of restoring, with usury, whatever he had been compelled to employ in the service of religion and of the empire. The clergy themselves appear to have sympathised with the public distress, and the discreet patriarch of Alexandria, without admitting the precedent of sacrilege, assisted his sovereign by the miraculous or seasonable revelation of a secret treasure⁷⁶. Of the soldiers who had conspired with Phocas, only two were found to have survived the stroke of time and of the Barbarians⁷⁷; their loss, even of these seditious veterans, was imperfectly supplied by the new levies of Heraclius, and the gold of the sanctuary united, in the same camp, the names, and arms, and languages of the East and West. He would have been content with the neutrality of the Avars; and his friendly entreaty, that the chagan would act, not as the enemy but as the guardian of the empire, was accompanied with

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a more persuasive donative of two hundred thousand pieces of gold. Two days after the festival of Easter, the emperor, exchanging his purple for the simple garb of a penitent and warrior⁷⁸, gave the signal of his departure. To the faith of the people Heraclius recommended his children; the civil and military powers were vested in the most deserving hands, and the discretion of the patriarch and senate was authorised to save or surrender the city, if they should be oppressed in his absence by the superior forces of the enemy.

First expedition of Heraclius against the Persians, A. D. 622.

The neighbouring heights of Chalcedon were covered with tents and arms: but if the new levies of Heraclius had been rashly led to the attack, the victory of the Persians in the fight of Constantinople might have been the last day of the Roman empire. As imprudent would it have been to advance into the provinces of Asia, leaving their innumerable cavalry to intercept his convoys, and continually to hang on the lassitude and disorder of his rear. But the Greeks were still masters of the sea; a fleet of gallies, transports, and storeships, was assembled in the harbour, the Barbarians consented to embark; a steady wind carried them through the Hellespont; the western and southern coast of Asia Minor lay on their left-hand; the spirit of their chief was first displayed in a storm; and even the eunuchs of his train were excited to suffer and to work by the example of their master. He landed his troops on the confines of Syria and Cilicia, in

the gulf of Scanderoon, where the coast suddenly turns to the south⁷; and his discernment was expressed in the choice of this important post⁸. From all sides, the scattered garrisons of the maritime cities and the mountains might repair with speed and safety to his Imperial standard. The natural fortifications of Cilicia protected and even concealed the camp of Heraclius, which was pitched near Issus, on the same ground where Alexander had vanquished the host of Darius. The angle which the emperor occupied, was deeply indented into a vast semicircle of the Asiatic, Armenian, and Syrian provinces; and to whatsoever point of the circumference he should direct his attack, it was easy for him to dissemble his own motions, and to prevent those of the enemy. In the camp of Issus, the Roman general reformed the sloth and disorder of the veterans, and educated the new recruits in the knowledge and practice of military virtue. Unfolding the miraculous image of Christ, he urged them to *revenge* the holy altars which had been profaned by the worshippers of fire; addressing them by the endearing appellations of sons and brethren, he deplored the public and private wrongs of the republic. The subjects of a monarch were persuaded that they fought in the cause of freedom; and a similar enthusiasm was communicated to the foreign mercenaries, who must have viewed with equal indifference the interest of Rome and of Persia. Heraclius himself, with the skill and patience of a centurion, inculcated

C H A P. the lessons of the school of tactics, and the
 XLVI. soldiers were assiduously trained in the use of
 their weapons, and the exercises and evolutions
 of the field. The cavalry and infantry in light
 or heavy armour were divided into two parties;
 the trumpets were fixed in the centre, and their
 signals directed the march, the charge, the
 retreat, or pursuit; the direct or oblique order,
 the deep or extended phalanx; to represent
 in fictitious combat the operations of genuine
 war. Whatever hardship the emperor imposed
 on the troops, he inflicted with equal severity
 on himself; their labour, their diet, their
 sleep, were measured by the inflexible rules of
 discipline; and, without despising the enemy,
 they were taught to repose an implicit confidence
 in their own valour and the wisdom of their
 leader. Cilicia was soon encompassed with the
 Persian arms; but their cavalry hesitated to enter
 the defiles of mount Taurus, till they were cir-
 cumvented by the evolutions of Heraclius, who
 insensibly gained their rear, whilst he appeared
 to present his front in order of battle. By a
 false motion, which seemed to threaten Armenia,
 he drew them, against their wishes, to a general
 action. They were tempted by the artful disorder
 of his camp; but when they advanced to combat,
 the ground, the sun, and the expectation of both
 armies, were unpropitious to the Barbarians;
 the Romans successfully repeated their tactics in
 a field of battle⁸¹, and the event of the day
 declared to the world that the Persians were not

invincible, and that an hero was invested with the purple. Strong in victory and fame, Heraclius boldly ascended the heights of mount Taurus, directed his march through the plains of Cappadocia, and established his troops for the winter season in safe and plentiful quarters on the banks of the river Halys ⁸². His soul was superior to the vanity of entertaining Constantinople with an imperfect triumph; but the presence of the emperor was indispensably required to soothe the restless and rapacious spirit of the Avars.

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Since the days of Scipio and Hannibal, no bolder enterprize has been attempted than that which Heraclius atchieved for the deliverance of the empire ⁸³. He permitted the Persians to oppress for a while the provinces, and to insult with impunity the capital of the East; while the Roman emperor explored his perilous way through the Black Sea ⁸⁴ and the mountains of Armenia, penetrated into the heart of Persia ⁸⁵, and recalled the armies of the great king to the defence of their bleeding country. With a select band of five thousand soldiers, Heraclius sailed from Constantinople to Trebizond; assembled his forces which had wintered in the Pontic regions; and from the mouth of the Phasis to the Caspian Sea, encouraged his subjects and allies to march with the successor of Constantine, under the faithful and victorious banner of the cross. When the legions of Lucullus and Pompey first passed the Euphrates, they blushed at their easy victory over the natives of Armenia. But

His second expedition,
A. D. 623,
624, 625.

CHAP. the long experience of war had hardened the
 XLVI. minds and bodies of that effeminate people; their
 zeal and bravery were approved in the service
 of a declining empire; they abhorred and feared
 the usurpation of the house of Sassan, and the
 memory of persecution envenomed their pious
 hatred of the enemies of Christ. The limits of
 Armenia, as it had been ceded to the emperor
 Maurice, extended as far as the Araxes; the
 river submitted to the indignity of a bridge ⁸⁶,
 and Heraclius, in the footsteps of Mark Antony,
 advanced towards the city of Tauris or Gand-
 zaca ⁸⁷, the ancient and modern capital of
 one of the provinces of Media. At the head
 of forty thousand men, Chosroes himself had
 returned from some distant expedition to oppose
 the progress of the Roman arms; but he retreated
 on the approach of Heraclius, declining the ge-
 nerous alternative of peace or of battle. Instead
 of half a million of inhabitants, which have been
 ascribed to Tauris under the reign of the Sophys,
 the city contained no more than three thousand
 houses; but the value of the royal treasures was
 enhanced by a tradition, that they were the
 spoils of Cræsus, which had been transported by
 Cyrus from the citadel of Sardes. The rapid
 conquests of Heraclius were suspended only by
 the winter season; a motive of prudence, or
 superstition ⁸⁸, determined his retreat into the
 province of Albania, along the shores of the
 Caspian; and his tents were most probably
 pitched in the plains of Mogan ⁸⁹, the favourite

encampment of Oriental princes. In the course of this successful inroad, he signalized the zeal and revenge of a Christian emperor: at his command, the foldiers extinguished the fire and destroyed the temples of the Magi; the statues of Chosroes, who aspired to divine honours, were abandoned to the flames; and the ruin of Thebarma or Ormia²⁰, which had given birth to Zoroaster himself, made some atonement for the injuries of the holy sepulchre. A purer spirit of religion was shewn in the relief and deliverance of fifty thousand captives. Heraclius was rewarded by their tears and grateful acclamations; but this wise measure, which spread the fame of his benevolence, diffused the murmurs of the Persians against the pride and obstinacy of their own sovereign.

Amidst the glories of the succeeding campaign, Heraclius is almost lost to our eyes, and to those of the Byzantine historians²¹. From the spacious and fruitful plains of Albania, the emperor appears to follow the chain of Hyrcanian mountains, to descend into the province of Media or Irak, and to carry his victorious arms as far as the royal cities of Casbin and Ispahan, which had never been approached by a Roman conqueror. Alarmed by the danger of his kingdom, the powers of Chosroes were already recalled from the Nile and the Bosphorus, and three formidable armies surrounded, in a distant and hostile land, the camp of the emperor. The Colchian allies prepared to

CHAP. XLVI. desert his standard; and the fears of the bravest veterans were expressed, rather than concealed, by their desponding silence. "Be not terrified," said the intrepid Heraclius, "by the multitude of your foes. With the aid of Heaven, one Roman may triumph over a thousand Barbarians. But if we devote our lives for the salvation of our brethren, we shall obtain the crown of martyrdom, and our immortal reward will be liberally paid by God and posterity." These magnanimous sentiments were supported by the vigour of his actions. He repelled the threefold attack of the Persians, improved the divisions of their chiefs, and, by a well-concerted train of marches, retreats, and successful actions, finally chased them from the field into the fortified cities of Media and Assyria. In the severity of the winter season, Sarbaraza deemed himself secure in the walls of Salban; he was surprised by the activity of Heraclius, who divided his troops and performed a laborious march in the silence of the night. The flat roofs of the houses were defended with useless valour against the darts and torches of the Romans: the satraps and nobles of Persia, with their wives and children, and the flower of their martial youth, were either slain or made prisoners. The general escaped by a precipitate flight, but his golden armour was the prize of the conqueror; and the soldiers of Heraclius enjoyed the wealth and repose which they had so nobly deserved. On the return of spring, the emperor

traversed in seven days the mountains of Curdistan, and passed without resistance the rapid stream of the Tigris. Oppressed by the weight of their spoils and captives, the Roman army halted under the walls of Amida; and Heraclius informed the senate of Constantinople of his safety and success, which they had already felt by the retreat of the besiegers. The bridges of the Euphrates were destroyed by the Persians; but as soon as the emperor had discovered a ford, they hastily retired to defend the banks of the Sarus⁹², in Cilicia. That river, an impetuous torrent, was about three hundred feet broad, the bridge was fortified with strong turrets, and the banks were lined with Barbarian archers. After a bloody conflict, which continued till the evening, the Romans prevailed in the assault, and a Persian of gigantic size was slain and thrown into the Sarus by the hand of the emperor himself. The enemies were dispersed and dismayed; Heraclius pursued his march to Sebaste in Cappadocia; and at the expiration of three years, the same coast of the Euxine applauded his return from a long and victorious expedition⁹³.

Instead of skirmishing on the frontier, the two monarchs who disputed the empire of the East aimed their desperate strokes at the heart of their rival. The military force of Persia was wasted by the marches and combats of twenty years, and many of the veterans, who had survived the perils of the sword and the climate, were still

Deliverance
of Constanti-
nople from
the Persians
and Avars,
A. D. 626.

CHAP. detained in the fortresses of Egypt and Syria.
 XLVI. But the revenge and ambition of Chosroes exhausted his kingdom; and the new levies of subjects, strangers, and slaves, were divided into three formidable bodies⁹⁴. The first army of fifty thousand men, illustrious by the ornament and title of the *golden spears*, was destined to march against Heraclius; the second was stationed to prevent his junction with the troops of his brother Theodorus; and the third was commanded to besiege Constantinople, and to second the operations of the chagan, with whom the Persian king had ratified a treaty of alliance and partition. Sarbar, the general of the third army, penetrated through the provinces of Asia to the well-known camp of Chalcedon, and amused himself with the destruction of the sacred and profane buildings of the Asiatic suburbs, while he impatiently waited the arrival of his Scythian friends on the opposite side of the Bosphorus. On the twenty-ninth of June, thirty-thousand Barbarians, the vanguard of the Avars, forced the long wall, and drove into the capital a promiscuous crowd of peasants, citizens, and soldiers. Four-score thousand⁹⁵ of his native subjects, and of the vassal tribes of Gepidæ, Russians, Bulgarians, and Slavonians, advanced under the standard of the chagan; a month was spent in marches and negotiations, but the whole city was invested on the thirty-first of July, from the suburbs of Pera and Galata to the Blachernæ and seven towers; and the

inhabitants descried with terror the flaming signals of the European and Asiatic shores. In the mean while the magistrates of Constantinople repeatedly strove to purchase the retreat of the chagan: but their deputies were rejected and insulted; and he suffered the patricians to stand before his throne, while the Persian envoys, in silk robes, were seated by his side. "You see," said the haughty Barbarian, "the proofs of my perfect union with the great king; and his lieutenant is ready to send into my camp a select band of three thousand warriors. Presume no longer to tempt your master with a partial and inadequate ransom: your wealth and your city are the only presents worthy of my acceptance. For yourselves, I shall permit you to depart, each with an under-garment and a shirt; and, at my entreaty, my friend Sarbar will not refuse a passage through his lines. Your absent prince, even now a captive or a fugitive, has left Constantinople to its fate; nor can you escape the arms of the Avars and Persians, unless you could soar into the air like birds, unless like fishes you could dive into the waves."

During ten successive days, the capital was assaulted by the Avars, who had made some progress in the science of attack; they advanced to sap or batter the wall, under the cover of the impenetrable tortoise; their engines discharged a perpetual volley of stones and darts; and twelve lofty towers of wood, exalted the combatants to the height of the neighbouring ramparts.

CHAP. XLVI. But the senate and people were animated by the spirit of Heraclius, who had detached to their relief a body of twelve thousand cuirassiers; the powers of fire and mechanics were used with superior art and success in the defence of Constantinople; and the gallies, with two and three ranks of oars, commanded the Bosphorus, and rendered the Persians the idle spectators of the defeat of their allies. The Avars were repulsed; a fleet of Slavonian canoes was destroyed in the harbour; the vassals of the chagan threatened to desert, his provisions were exhausted, and after burning his engines, he gave the signal of a slow and formidable retreat. The devotion of the Romans ascribed this signal deliverance to the virgin Mary; but the mother of Christ would surely have condemned their inhuman murder of the Persian envoys, who were entitled to the rights of humanity, if they were not protected by the laws of nations⁹⁷.

Alliances and conquests of Heraclius.

After the division of his army, Heraclius prudently retired to the banks of the Phasis, from whence he maintained a defensive war against the fifty thousand gold spears of Persia. His anxiety was relieved by the deliverance of Constantinople; his hopes were confirmed by a victory of his brother Theodorus; and to the hostile league of Chosroes with the Avars, the Roman emperor opposed the useful and honourable alliance of the Turks. At his liberal invitation, the hord of Chozars⁹⁸ transported their tents from the plains of the Volga to the mountains of

Georgia; Heraclius received them in the neighbourhood of Teflis, and the khan with his nobles dismounted from their horses, if we may credit the Greeks, and fell prostrate on the ground, to adore the purple of the Cæsar. Such voluntary homage and important aid were entitled to the warmest acknowledgments; and the emperor, taking off his own diadem, placed it on the head of the Turkish prince, whom he saluted with a tender embrace and the appellation of son. After a sumptuous banquet, he presented Ziebel with the plate and ornaments, the gold, the gems, and the silk, which had been used at the Imperial table, and, with his own hand, distributed rich jewels and ear-rings to his new allies. In a secret interview, he produced the portrait of his daughter Eudocia⁹⁹, condescended to flatter the Barbarian with the promise of a fair and *august* bride, obtained an immediate succour of forty thousand horse, and negotiated a strong diversion of the Turkish arms on the side of the Oxus¹⁰⁰. The Persians, in their turn, retreated with precipitation; in the camp of Edessa, Heraclius reviewed an army of seventy thousand Romans and strangers; and some months were successfully employed in the recovery of the cities of Syria, Mesopotamia, and Armenia, whose fortifications had been imperfectly restored. Sarbar still maintained the important station of Chalcedon; but the jealousy of Chosroes, or the artifice of Heraclius, soon alienated the mind of that powerful satrap from the service of his king

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and country. A messenger was intercepted with a real or fictitious mandate to the *cadarigan*, or second in command, directing him to send, without delay, to the throne, the head of a guilty or unfortunate general. The dispatches were transmitted to Sarbar himself; and as soon as he read the sentence of his own death, he dexterously inserted the names of four hundred officers, assembled a military council, and asked the *Cadarigan*, whether he was prepared to execute the commands of their tyrant. The Persians unanimously declared, that Chosroes had forfeited the sceptre; a separate treaty was concluded with the government of Constantinople; and if some considerations of honour or policy restrained Sarbar from joining the standard of Heraclius, the emperor was assured that he might prosecute, without interruption, his designs of victory and peace.

His third
expedition,
A. D. 627.

Deprived of his firmest support, and doubtful of the fidelity of his subjects, the greatness of Chosroes was still conspicuous in its ruins. The number of five hundred thousand may be interpreted as an Oriental metaphor, to describe the men and arms, the horses and elephants that covered Media and Assyria against the invasion of Heraclius. Yet the Romans boldly advanced from the Araxes to the Tigris, and the timid prudence of Rhazates was content to follow them by forced marches through a desolate country, till he received a peremptory mandate to risk the fate of Persia in a decisive battle. Eastward of the Tigris, at the end of the bridge of Mofal,

the great Nineveh had formerly been erected ¹⁰¹: the city, and even the ruins of the city, had long since disappeared ¹⁰²: the vacant space afforded a spacious field for the operations of the two armies. But these operations are neglected by the Byzantine historians, and, like the authors of epic poetry and romance, they ascribe the victory, not to the military conduct, but to the personal valour, of their favourite hero. On this memorable day, Heraclius, on his horse Phallas, surpassed the bravest of his warriors; his lip was pierced with a spear, the steed was wounded in the thigh, but he carried his master safe and victorious through the triple phalanx of the Barbarians. In the heat of the action, three valiant chiefs were successively slain by the sword and lance of the emperor; among these was Rhazates himself; he fell like a soldier, but the sight of his head scattered grief and despair through the fainting ranks of the Persians. His armour of pure and massy gold, the shield of one hundred and twenty plates, the sword and belt, the saddle and cuirass, adorned the triumph of Heraclius, and if he had not been faithful to Christ and his mother, the champion of Rome might have offered the fourth *opime* spoils to the Jupiter of the Capitol ¹⁰³. In the battle of Nineveh, which was fiercely fought from day-break to the eleventh hour, twenty-eight standards, beside those which might be broken or torn, were taken from the Persians; the greatest part of their army was cut in pieces, and the victors, concealing their own

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and victories
December 1.
&c.

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loss, passed the night on the field. They acknowledge, that on this occasion, it was less difficult to kill than to discomfit the soldiers of Chosroes; amidst the bodies of their friends, no more than two bow-shot from the enemy, the remnant of the Persian cavalry stood firm till the seventh hour of the night; about the eighth hour, they retired to their unrifled camp, collected their baggage, and dispersed on all sides, from the want of orders rather than of resolution. The diligence of Heraclius was not less admirable in the use of victory; by a march of forty-eight miles in four and twenty hours, his vanguard occupied the bridges of the great and the lesser Zab; and the cities and palaces of Assyria were open for the first time to the Romans. By a just gradation of magnificent scenes, they penetrated to the royal seat of Dastagerd, and, though much of the treasure had been removed, and much had been expended, the remaining wealth appears to have exceeded their hopes, and even to have fatiated their avarice. Whatever could not be easily transported, they consumed with fire, that Chosroes might feel the anguish of those wounds, which he had so often inflicted on the provinces of the empire: and justice might allow the excuse, if the desolation had been confined to the works of regal luxury, if national hatred, military license, and religious zeal, had not wasted with equal rage the habitations and the temples of the guiltless subject. The recovery of three hundred Roman standards, and the deliverance

III V of

of the numerous captives of Edeffa and Alexandria, reflect a purer glory on the arms of Heraclius. From the palace of Dastagerd, he pursued his march within a few miles of Modain or Ctesiphon, till he was stopped, on the banks of the Arba, by the difficulty of the passage, the rigour of the season, and perhaps the fame of an impregnable capital. The return of the emperor is marked by the modern name of the city of Sherhzour; he fortunately passed mount Zara, before the snow, which fell incessantly thirty-four days, and the citizens of Gandzaca, or Tauris, were compelled to entertain his soldiers and their horses with an hospitable reception¹⁰⁴.

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When the ambition of Chosroes was reduced to the defence of his hereditary kingdom, the love of glory, or even the sense of shame, should have urged him to meet his rival in the field. In the battle of Nineveh, his courage might have taught the Persians to vanquish, or he might have fallen with honour by the lance of a Roman emperor. The successor of Cyrus chose rather, at a secure distance, to expect the event, to assemble the relics of the defeat, and to retire by measured steps before the march of Heraclius, till he beheld with a sigh the once loved mansions of Dastagerd. Both his friends and enemies were persuaded, that it was the intention of Chosroes to bury himself under the ruins of the city and palace: and as both might have been equally adverse to his flight, the monarch of Asia, with Sira, and three concubines, escaped through an hole in the

Flight of
Chosroes,
A. D. 627,
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wall nine days before the arrival of the Romans. The slow and stately procession in which he shewed himself to the prostrate crowd, was changed to a rapid and secret journey; and the first evening he lodged in the cottage of a peasant, whose humble door would scarcely give admittance to the great king¹⁰⁵. His superstition was subdued by fear: on the third day, he entered with joy the fortifications of Ctesiphon; yet he still doubted of his safety till he had opposed the river Tigris to the pursuit of the Romans. The discovery of his flight agitated with terror and tumult the palace, the city, and the camp of Dastagerd: the satraps hesitated whether they had most to fear from their sovereign or the enemy; and the females of the haram were astonished and pleased by the sight of mankind, till the jealous husband of three thousand wives again confined them to a more distant castle. At his command, the army of Dastagerd retreated to a new camp: the front was covered by the Arba, and a line of two hundred elephants; the troops of the more distant provinces successively arrived, and the vilest domestics of the king and satraps were enrolled for the last defence of the throne. It was still in the power of Chosroes to obtain a reasonable peace; and he was repeatedly pressed by the messengers of Heraclius, to spare the blood of his subjects, and to relieve an humane conqueror from the painful duty of carrying fire and sword through the fairest countries of Asia. But the pride of the Persian had not yet sunk to the level of his fortune; he derived a momentary confidence

from the retreat of the emperor; he wept with impotent rage over the ruins of his Assyrian palaces, and disregarded too long the rising murmurs of the nation, who complained that their lives and fortunes were sacrificed to the obstinacy of an old man. That unhappy old man was himself tortured with the sharpest pains both of mind and body; and, in the consciousness of his approaching end, he resolved to fix the tiara on the head of Merdaza, the most favoured of his sons. But the will of Chosroes was no longer revered, and Siroes, who gloried in the rank and merit of his mother Sira, had conspired with the malecontents to assert and anticipate the rights of primogeniture¹⁰⁶. Twenty-two satraps, they styled themselves patriots, were tempted by the wealth and honours of a new reign: to the soldiers, the heir of Chosroes promised an increase of pay, to the Christians the free exercise of their religion; to the captives, liberty and rewards; and to the nation, instant peace and the reduction of taxes. It was determined by the conspirators, that Siroes, with the ensigns of royalty, should appear in the camp; and if the enterprise should fail, his escape was contrived to the Imperial court. But the new monarch was saluted with unanimous acclamations; the flight of Chosroes (yet where could he have fled?) was rudely arrested, eighteen sons were massacred before his face, and he was thrown into a dungeon, where he expired on the fifth day. The Greeks and modern Persians minutely describe how Chosroes

He is de-
posed,
A. D. 628,
February 25,

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and murder-
ed by his son
Siroes,
February 28.

Treaty of
peace be-
tween the
two empires,
A. D. 628,
March, &c.

was insulted, and famished, and tortured, by the command of an inhuman son, who so far surpassed the example of his father: but at the time of his death, what tongue would relate the story of the parricide? what eye could penetrate into the *tower of darkness*? According to the faith and mercy of his Christian enemies, he sunk without hope into a still deeper abyss¹⁰⁷; and it will not be denied, that tyrants of every age and sect are the best entitled to such infernal abodes. The glory of the house of Sassan ended with the life of Chosroes: his unnatural son enjoyed only eight months the fruit of his crimes; and in the space of four years, the regal title was assumed by nine candidates, who disputed, with the sword or dagger, the fragments of an exhausted monarchy. Every province, and each city of Persia, was the scene of independence, of discord, and of blood, and the state of anarchy prevailed about eight years longer, till the factions were silenced and united under the common yoke of the Arabian caliphs¹⁰⁸.

As soon as the mountains became passable, the emperor received the welcome news of the success of the conspiracy, the death of Chosroes, and the elevation of his eldest son to the throne of Persia. The authors of the revolution, eager to display their merits in the court or camp of Tauris, preceded the ambassadors of Siroes, who delivered the letters of their master to his *brother* the emperor of the Romans¹⁰⁹. In the language of the usurpers of every age, he imputes his own

crimes to the Deity, and, without degrading his equal majesty, he offers to reconcile the long discord of the two nations, by a treaty of peace and alliance more durable than brass or iron. The conditions of the treaty were easily defined and faithfully executed. In the recovery of the standards and prisoners which had fallen into the hands of the Persians, the emperor imitated the example of Augustus, their care of the national dignity was celebrated by the poets of the times, but the decay of genius may be measured by the distance between Horace and George of Pisidia: the subjects and brethren of Heraclius were redeemed from persecution, slavery, and exile; but, instead of the Roman eagles, the true wood of the holy cross was restored to the importunate demands of the successor of Constantine. The victor was not ambitious of enlarging the weakness of the empire; the son of Chosroes abandoned without regret the conquests of his father; the Persians who evacuated the cities of Syria and Egypt were honourably conducted to the frontier, and a war which had wounded the vitals of the two monarchies, produced no change in their external and relative situation. The return of Heraclius from Tauris to Constantinople, was a perpetual triumph; and after the exploits of six glorious campaigns, he peaceably enjoyed the sabbath of his toils. After a long impatience, the senate, the clergy, and the people, went forth to meet their hero, with tears and acclamations, with olive branches and innumerable lamps: he

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entered the capital in a chariot drawn by four elephants ; and as soon as the emperor could disengage himself from the tumult of public joy, he tasted more genuine satisfaction in the embraces of his mother and his son ¹¹⁰.

The succeeding year was illustrated by a triumph of a very different kind, the restitution of the true cross to the holy sepulchre. Heraclius performed in person the pilgrimage of Jerusalem, the identity of the relick was verified by the discreet patriarch ¹¹¹, and this august ceremony has been commemorated by the annual festival of the exaltation of the cross. Before the emperor presumed to tread the consecrated ground, he was instructed to strip himself of the diadem and purple, the pomp and vanity of the world : but in the judgment of his clergy, the persecution of the Jews was more easily reconciled with the precepts of the gospel. He again ascended his throne to receive the congratulations of the ambassadors of France and India : and the fame of Moses, Alexander, and Hercules ¹¹², was eclipsed, in the popular estimation, by the superior merit and glory of the great Heraclius. Yet the deliverer of the East was indigent and feeble. Of the Persian spoils, the most valuable portion had been expended in the war, distributed to the soldiers, or buried, by an unlucky tempest, in the waves of the Euxine. The conscience of the emperor was oppressed by the obligation of restoring the wealth of the clergy, which he had borrowed for their own defence : a perpetual fund was required to satisfy

these inexorable creditors; the provinces, already wasted by the arms and avarice of the Persians, were compelled to a second payment of the same taxes; and the arrears of a simple citizen, the treasurer of Damascus, were commuted to a fine of one hundred thousand pieces of gold. The loss of two hundred thousand soldiers¹¹³ who had fallen by the sword, was of less fatal importance than the decay of arts, agriculture, and population, in this long and destructive war: and although a victorious army had been formed under the standard of Heraclius, the unnatural effort appears to have exhausted rather than exercised their strength. While the emperor triumphed at Constantinople or Jerusalem, an obscure town on the confines of Syria was pillaged by the Saracens, and they cut in pieces some troops who advanced to its relief: an ordinary and trifling occurrence, had it not been the prelude of a mighty revolution. These robbers were the apostles of Mahomet; their fanatic valour had emerged from the desert; and in the last eight years of his reign, Heraclius lost to the Arabs, the same provinces which he had rescued from the Persians.

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Theological History of the Doctrine of the Incarnation. — The Human and Divine nature of Christ. — Enmity of the Patriarchs of Alexandria and Constantinople. — St. Cyril and Nestorius. — Third General Council of Ephesus. — Heresy of Eutyches. — Fourth General Council of Chalcedon. — Civil and Ecclesiastical Discord. — Intolerance of Justinian. — The Three Chapters. — The Monothelite Controversy. — State of the Oriental Sects: — I. The Nestorians. — II. The Jacobites. — III. The Maronites. — IV. The Armenians — V. The Copts and Abyssinians.

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The incar-
nation of
Christ.

AFTER the extinction of paganism, the Christians in peace and piety might have enjoyed their solitary triumph. But the principle of discord was alive in their bosom, and they were more solicitous to explore the nature, than to practise the laws, of their founder. I have already observed, that the disputes of the TRINITY were succeeded by those of the INCARNATION; alike scandalous to the church, alike pernicious to the state, still more minute in their origin, still more durable in their effects. It is my design to comprise in the present chapter, a religious war of two hundred and fifty years, to represent the ecclesiastical and political schism of the Oriental sects, and to introduce their clamorous or sanguinary contests, by a modest enquiry into the doctrines of the primitive church.

I. A laudable regard for the honour of the first C H A P.
 profelytes, has countenanced the belief, the XLVII.
 hope, the wish, that the Ebionites, or at least I. A pure
 the Nazarenes, were distinguished only by their man to the
 obstinate perseverance in the practice of the Ebionites.
 Mosaic rites. Their churches have disappeared,
 their books are obliterated; their obscure freedom
 might allow a latitude of faith, and the softness
 of their infant creed would be variously moulded
 by the zeal or prudence of three hundred years.
 Yet the most charitable criticism must refuse these
 sectaries any knowledge of the pure and proper
 divinity of Christ. Educated in the school of
 Jewish prophecy and prejudice, they had never
 been taught to elevate their hopes above an
 human and temporal Messiah². If they had cou-
 rage to hail their king when he appeared in a
 plebeian garb, their grosser apprehensions were
 incapable of discerning their God, who had
 studiously disguised his celestial character under
 the name and person of a mortal³. The familiar
 companions of Jesus of Nazareth conversed with
 their friend and countryman, who, in all the
 actions of rational and animal life, appeared of
 the same species with themselves. His progress
 from infancy to youth and manhood, was mark-
 ed by a regular increase in stature and wisdom;
 and after a painful agony of mind and body,
 he expired on the cross. He lived and died for
 the service of mankind: but the life and death
 of Socrates had likewise been devoted to the
 cause of religion and justice; and although the

CHAP. XLVII. stoic or the hero may disdain the humble virtues of Jesus, the tears which he shed over his friend and country, may be esteemed the purest evidence of his humanity. The miracles of the gospel could not astonish a people who held, with intrepid faith, the more splendid prodigies of the Mosaic law. The prophets of ancient days had cured diseases, raised the dead, divided the sea, stopped the sun, and ascended to heaven in a fiery chariot. And the metaphorical style of the Hebrews might ascribe to a saint and martyr, the adoptive title of SON OF GOD.

His birth and elevation.

Yet in the insufficient creed of the Nazarenes and the Ebionites, a distinction is faintly noticed between the heretics, who confounded the generation of Christ in the common order of nature, and the less guilty schismatics, who revered the virginity of his mother; and excluded the aid of an earthly father. The incredulity of the former was countenanced by the visible circumstances of his birth, the legal marriage of his reputed parents, Joseph and Mary, and his lineal claim to the kingdom of David and the inheritance of Judah. But the secret and authentic history has been recorded in several copies of the gospel according to St. Matthew⁴, which these sectaries long preserved in the original Hebrew⁵ as the sole evidence of their faith. The natural suspicions of the husband, conscious of his own chastity, were dispelled by the assurance (in a dream) that his wife was pregnant of the Holy Ghost: and as this distant and domestic prodigy

could not fall under the personal observation of the historian, he must have listened to the same voice which dictated to Isaiah the future conception of a virgin. The son of a virgin, generated by the ineffable operation of the Holy Spirit, was a creature without example or resemblance, superior in every attribute of mind and body to the children of Adam. Since the introduction of the Greek or Chaldean philosophy⁶, the Jews³ were persuaded of the pre-existence, transmigration, and immortality of souls; and Providence was justified by a supposition, that they were confined in their earthly prisons to expiate the stains which they had contracted in a former state⁸. But the degrees of purity and corruption are almost immeasurable. It might be fairly presumed, that the most sublime and virtuous of human spirits was infused into the offspring of Mary and the Holy Ghost⁹; that his abasement was the result of his voluntary choice; and that the object of his mission was, to purify, not his own, but the sins of the world. On his return to his native skies, he received the immense reward of his obedience; the everlasting kingdom of the Messiah which had been darkly foretold by the prophets, under the carnal images of peace, of conquest, and of dominion. Omnipotence could enlarge the human faculties of Christ to the extent of his celestial office. In the language of antiquity, the title of God has not been severely confined to the first parent, and his incomparable minister, his only begotten Son,

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II. A pure
God to the
Docetes.

might claim, without presumption, the religious, though secondary, worship of a subject world.

II. The seeds of the faith, which had slowly arisen in the rocky and ungrateful soil of Judea, were transplanted, in full maturity, to the happier climes of the Gentiles; and the strangers of Rome or Asia, who never beheld the manhood, were the more readily disposed to embrace the divinity, of Christ. The polytheist and the philosopher, the Greek and the Barbarian, were alike accustomed to conceive a long succession, an infinite chain of angels or dæmons, or deities, or æons, or emanations, issuing from the throne of light. Nor could it seem strange or incredible, that the first of these æons, the *Logos*, or word of God, of the same substance with the Father should descend upon earth, to deliver the human race from vice and error, and to conduct them in the paths of life and immortality. But the prevailing doctrine of the eternity and inherent pravity of matter, infected the primitive churches of the East. Many among the Gentile proselytes, refused to believe that a celestial spirit, an undivided portion of the first essence, had been personally united with a mass of impure and contaminated flesh: and, in their zeal for the divinity, they piously abjured the humanity, of Christ. While his blood was still recent on mount Calvary¹⁰, the *Docetes*, a numerous and learned sect of Asiatics, invented the *phantastic* system, which was afterwards propagated by the Marcionites, the Manichæans, and the various

names of the Gnostic heresy¹¹. They denied the truth and authenticity of the gospels, as far as they relate the conception of Mary, the birth of Christ, and the thirty years that preceded the exercise of his ministry. He first appeared on the banks of the Jordan in the form of perfect manhood; but it was a form only, and not a substance; an human figure created by the hand of Omnipotence to imitate the faculties and actions of a man, and to impose a perpetual illusion on the senses of his friends and enemies. Articulate sounds vibrated on the ears of the disciples; but the image which was impressed on their optic nerve, eluded the more stubborn evidence of the touch; and they enjoyed the spiritual, not the corporeal, presence of the Son of God. The rage of the Jews was idly wasted against an impassive phantom; and the mystic scenes of the passion and death, the resurrection and ascension of Christ, were represented on the theatre of Jerusalem for the benefit of mankind. If it were urged, that such ideal mimicry, such incessant deception, was unworthy of the God of truth, the Docetes agreed with too many of their orthodox brethren in the justification of pious falsehood. In the system of the Gnostics, the Jehovah of Israel, the creator of this lower world, was a rebellious, or at least an ignorant spirit. The Son of God descended upon earth to abolish his temple and his law; and, for the accomplishment of this salutary end, he dexterously transferred to his own person the hope and prediction of a temporal Messiah.

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His incor-
ruptible
body.

One of the most subtle disputants of the Manichæan school, has pressed the danger and indecency of supposing, that the God of the Christians, in the state of an human fœtus; emerged at the end of nine months from a female womb. The pious horror of his antagonists provoked them to disclaim all sensual circumstances of conception and delivery; to maintain, that the divinity passed through Mary like a sun-beam through a plate of glass; and to assert, that the seal of her virginity remained unbroken even at the moment when she became the mother of Christ. But the rashness of these concessions has encouraged a milder sentiment of those Docetes who taught, not that Christ was a phantom, but that he was clothed with an impassible and incorruptible body. Such, indeed, in the more orthodox system he has acquired since his resurrection, and such he must have always possessed, if it were capable of pervading, without resistance or injury, the density of intermediate matter. Devoid of its most essential properties, it might be exempt from the attributes and infirmities of the flesh. A fœtus that could increase from an invisible point to its full maturity; a child that could attain the stature of perfect manhood, without deriving any nourishment from the ordinary sources, might continue to exist without repairing a daily waste by a daily supply of external matter. Jesus might share the repasts of his disciples, without being subject to the calls of thirst or hunger; and his virgin purity was never sullied by the involuntary stains of sensual concupiscence. Of a body

thus singularly constituted, a question would arise, by what means, and of what materials, it was originally framed; and our founder theology is startled by an answer which was not peculiar to the Gnostics, that both the form and the substance proceeded from the divine essence. The idea of pure and absolute spirit is a refinement of modern philosophy; the incorporeal essence, ascribed by the ancients to human souls, celestial beings, and even the Deity himself, does not exclude the notion of extended space; and their imagination was satisfied with a subtle nature of air, or fire, or æther, incomparably more perfect than the grossness of the material world. If we define the place, we must describe the figure, of the Deity. Our experience, perhaps our vanity, represents the powers of reason and virtue under an human form. The Anthropomorphites, who swarmed among the monks of Egypt and the Catholics of Africa, could produce the express declaration of scripture, that man was made after the image of his Creator¹². The venerable Serapion, one of the saints of the Nitrian desert, relinquished, with many a tear, his darling prejudice; and bewailed, like an infant, his unlucky conversion, which had stolen away his God, and left his mind without any visible object of faith or devotion¹³.

III. Such were the fleeting shadows of the Docetes. A more substantial, though less simple hypothesis, was contrived by Cerinthus of Asia¹⁴, who dared to oppose the last of the apostles. Placed on the confines of the Jewish and Gentile

III. Double
nature of Ce-
rinthus.

CHAP. world, he laboured to reconcile the Gnostic with
 XLVII. the Ebionite, by confessing in the same Messiah
 the supernatural union of a man and a God:
 and this mystic doctrine was adopted with many
 fanciful improvements by Carpocrates, Basilides,
 and Valentine¹⁵, the heretics of the Egyptian
 school. In their eyes, JESUS of Nazareth was a
 mere mortal, the legitimate son of Joseph and
 Mary: but he was the best and wisest of the
 human race, selected as the worthy instrument
 to restore upon earth the worship of the true and
 supreme Deity. When he was baptised in the
 Jordan, the CHRIST, the first of the æons, the
 Son of God himself, descended on Jesus in the
 form of a dove, to inhabit his mind, and direct
 his actions during the allotted period of his mi-
 nistry. When the Messiah was delivered into the
 hands of the Jews, the Christ, an immortal and
 impassible being, forsook his earthly tabernacle,
 flew back to the *pleroma* or world of spirits; and
 left the solitary Jesus to suffer, to complain, and
 to expire. But the justice and generosity of such
 a desertion are strongly questionable; and the fate
 of an innocent martyr, at first impelled, and at
 length abandoned, by his divine companion,
 might provoke the pity and indignation of the
 profane. Their murmurs were variously silenced
 by the sectaries who espoused and modified the
 double system of Cerinthus. It was alleged, that
 when Jesus was nailed to the cross, he was endow-
 ed with a miraculous apathy of mind and body,
 which rendered him insensible of his apparent
 sufferings.

sufferings. It was affirmed, that these momentary, though real pangs, would be abundantly repaid by the temporal reign of a thousand years reserved for the Messiah in his kingdom of the new Jerusalem. It was insinuated, that if he suffered, he deserved to suffer; that human nature is never absolutely perfect; and that the cross and passion might serve to expiate the venial transgressions of the son of Joseph, before his mysterious union with the Son of God¹⁶.

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IV. All those who believe the immateriality of the soul, a specious and noble tenet, must confess, from their present experience, the incomprehensible union of mind and matter. A similar union is not inconsistent with a much higher, or even with the highest degree, of mental faculties; and the incarnation of an æon or archangel, the most perfect of created spirits, does not involve any positive contradiction or absurdity. In the age of religious freedom, which was determined by the council of Nice, the dignity of Christ was measured by private judgment according to the indefinite rule of scripture, or reason, or tradition. But when his pure and proper divinity had been established on the ruins of Arianism, the faith of the Catholics trembled on the edge of a precipice where it was impossible to recede, dangerous to stand, dreadful to fall; and the manifold inconveniences of their creed were aggravated by the sublime character of their theology. They hesitated to pronounce; *that* God himself, the second person of an equal and consubstantial

IV. Divine
incarnation
of Apollina-
ris.

C H A P. XLVII. trinity, was manifested in the flesh¹⁷; *that* a being who pervades the universe, had been confined in the womb of Mary; *that* his eternal duration had been marked by the days, and months, and years of human existence; *that* the Almighty had been scourged and crucified; *that* his impassible essence had felt pain and anguish; *that* his omniscience was not exempt from ignorance; and *that* the source of life and immortality expired on mount Calvary. These alarming consequences were affirmed with unblushing simplicity by Apollinaris¹⁸, bishop of Laodicea, and one of the luminaries of the church. The son of a learned grammarian, he was skilled in all the sciences of Greece; eloquence, erudition, and philosophy, conspicuous in the volumes of Apollinaris, were humbly devoted to the service of religion. The worthy friend of Athanasius, the worthy antagonist of Julian, he bravely wrestled with the Arians and Polytheists, and, though he affected the rigour of geometrical demonstration, his commentaries revealed the literal and allegorical sense of the scriptures. A mystery, which had long floated in the looseness of popular belief, was defined by his perverse diligence in a technical form; and he first proclaimed the memorable words, "One incarnate nature of Christ," which are still re-echoed with hostile clamours in the churches of Asia, Egypt, and Æthiopia. He taught that the Godhead was united or mingled with the body of a man; and that the *Logos*, the eternal wisdom, supplied in the flesh

the place and office of an human soul. Yet as the profound doctor had been terrified at his own rashness, Apollinaris was heard to utter some faint accents of excuse and explanation. He acquiesced in the old distinction of the Greek philosophers, between the rational and sensitive soul of man; that he might reserve the *Logos* for intellectual functions, and employ the subordinate human principle in the meaner actions of animal life. With the moderate Docetes, he revered Mary as the spiritual, rather than as the carnal, mother of Christ, whose body either came from heaven, impassible and incorruptible, or was absorbed, and as it were transformed, into the essence of the Deity. The system of Apollinaris was strenuously encountered by the Asiatic and Syrian divines, whose schools are honoured by the names of Basil, Gregory, and Chrysostom, and tainted by those of Diodorus, Theodore, and Nestorius. But the person of the aged bishop of Laodicea, his character and dignity, remained inviolate; and his rivals, since we may not suspect them of the weakness of toleration, were astonished, perhaps, by the novelty of the argument, and diffident of the final sentence of the Catholic church. Her judgment at length inclined in their favour; the heresy of Apollinaris was condemned, and the separate congregations of his disciples were proscribed by the Imperial laws. But his principles were secretly entertained in the monasteries of Egypt, and his enemies felt

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V. Orthodox
consent and
verbal dis-
putes.

the hatred of Theophilus and Cyril the successive patriarchs of Alexandria.

V. The groveling Ebionite, and the phantastic Docetes, were rejected and forgotten: the recent zeal against the errors of Apollinaris, reduced the Catholics to a seeming agreement with the double nature of Cerinthus. But instead of a temporary and occasional alliance, *they* established, and *we* still embrace, the substantial, indissoluble, and everlasting union of a perfect God, with a perfect man, of the second person of the trinity with a reasonable soul and human flesh. In the beginning of the fifth century, the *unity* of the *two natures* was the prevailing doctrine of the church. On all sides, it was confessed, that the mode of their co-existence could neither be represented by our ideas nor expressed by our language. Yet a secret and incurable discord was cherished, between those who were most apprehensive of confounding, and those who were most fearful of separating, the divinity, and the humanity of Christ. Impelled by religious frenzy, they fled with adverse haste from the error which they mutually deemed most destructive of truth and salvation. On either hand they were anxious to guard, they were jealous to defend, the union and the distinction of the two natures, and to invent such forms of speech, such symbols of doctrine, as were least susceptible of doubt or ambiguity. The poverty of ideas and language tempted them to ransack art and nature for every possible comparison, and each comparison misled

their fancy in the explanation of an incomparable mystery. In the polemic microscope, an atom is enlarged to a monster, and each party was skilful to exaggerate the absurd or impious conclusions that might be extorted from the principles of their adversaries. To escape from each other, they wandered through many a dark and devious thicket, till they were astonished by the horrid phantoms of Cerinthus and Apollinaris, who guarded the opposite issues of the theological labyrinth. As soon as they beheld the twilight of sense and heresy, they started, measured back their steps, and were again involved in the gloom of impenetrable orthodoxy. To purge themselves from the guilt or reproach of damnable error, they disavowed their consequences, explained their principles, excused their indiscretions, and unanimously pronounced the sounds of concord and faith. Yet a latent and almost invisible spark still lurked among the embers of controversy: by the breath of prejudice and passion, it was quickly kindled to a mighty flame, and the verbal disputes¹⁹ of the Oriental sects have shaken the pillars of the church and state.

The name of CYRIL of Alexandria is famous in controversial story, and the title of *saint*, is a mark that his opinions and his party have finally prevailed. In the house of his uncle, the archbishop Theophilus, he imbibed the orthodox lessons of zeal and dominion, and five years of his youth were profitably spent in the adjacent monasteries of Nitria. Under the tuition of the

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Cyril, patriarch of Alexandria;
A. D. 412,
October 18—
A. D. 444,
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abbot Serapion, he applied himself to ecclesiastical studies, with such indefatigable ardour, that in the course of *one* sleepless night, he has perused the four gospels, the catholic epistles, and the epistle to the Romans. Origen he detested; but the writings of Clemens and Dionysius, of Athanasius and Basil, were continually in his hands: by the theory and practice of dispute, his faith was confirmed and his wit was sharpened; he extended round his cell the cobwebs of scholastic theology, and meditated the works of allegory and metaphysics, whose remains, in seven verbose folios, now peaceably slumber by the side of their rivals ²⁰. Cyril prayed and fasted in the desert, but his thoughts (it is the reproach of a friend ²¹) were still fixed on the world; and the call of Theophilus, who summoned him to the tumult of cities and synods, was too readily obeyed by the aspiring hermit. with the approbation of his uncle, he assumed the office, and acquired the fame, of a popular preacher. His comely person adorned the pulpit, the harmony of his voice resounded in the cathedral, his friends were stationed to lead or second the applause of the congregation ²², and the hasty notes of the scribes preserved his discourses, which, in their effect, though not in their composition, might be compared with those of the Athenian orators. The death of Theophilus expanded and realised the hopes of his nephew. The clergy of Alexandria was divided; the soldiers and their general supported the claims of

the archdeacon; but a resifless multitude, with voices and with hands, asserted the cause of their favourite, and, after a period of thirty-nine years, Cyril was seated on the throne of Athanasius²³.

The prize was not unworthy of his ambition. At a distance from the court, and at the head of an immense capital, the patriarch, as he was now styled, of Alexandria had gradually usurped the state and authority of a civil magistrate. The public and private charities of the city were managed by his discretion; his voice inflamed or appeased the passions of the multitude; his commands were blindly obeyed by his numerous and fanatic *parabolani*²⁴, familiarised in their daily office with scenes of death; and the præfects of Egypt were awed or provoked by the temporal power of these Christian pontiffs. Ardent in the prosecution of heresy, Cyril auspiciously opened his reign by oppressing the Novatians, the most innocent and harmless of the sectaries. The interdiction of their religious worship, appeared in his eyes a just and meritorious act; and he confiscated their holy vessels, without apprehending the guilt of sacrilege. The toleration, and even the privileges of the Jews, who had multiplied to the number of forty thousand, were secured by the laws of the Cæsars and Ptolemies, and a long prescription of seven hundred years since the foundation of Alexandria. Without any legal sentence, without any royal mandate, the patriarch, at the dawn of day, led a seditious mul-

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His tyranny,
A. D. 413,
414, 415, &c.

CHAP. XLVII. titude to the attack of the synagogues. Unarmed and unprepared, the Jews were incapable of resistance; their houses of prayer were levelled with the ground, and the episcopal warrior, after rewarding his troops with the plunder of their goods, expelled from the city the remnant of the unbelieving nation. Perhaps he might plead the insolence of their prosperity, and their deadly hatred of the Christians, whose blood they had recently shed in a malicious or accidental tumult. Such crimes would have deserved the animadversion of the magistrate; but in this promiscuous outrage, the innocent were confounded with the guilty, and Alexandria was impoverished by the loss of a wealthy and industrious colony. The zeal of Cyril exposed him to the penalties of the Julian law; but in a feeble government, and a superstitious age, he was secure of impunity, and even of praise. Orestes complained; but his just complaints were too quickly forgotten by the ministers of Theodosius, and too deeply remembered by a priest who affected to pardon, and continued to hate, the præfect of Egypt. As he passed through the streets, his chariot was assaulted by a band of five hundred of the Nitrian monks; his guards fled from the wild beasts of the desert; his protestations that he was a Christian and a Catholic, were answered by a volley of stones, and the face of Orestes was covered with blood. The loyal citizens of Alexandria hastened to his rescue; he instantly satisfied his justice and revenge against the monk by whose hand he had been wounded, and

Ammonius expired under the rod of the lictor. At the command of Cyril, his body was raised from the ground; and transported, in solemn procession, to the cathedral; the name of Ammonius was changed to that of Thaumastus the *wonderful*; his tomb was decorated with the trophies of martyrdom, and the patriarch ascended the pulpit to celebrate the magnanimity of an assassin and a rebel. Such honours might incite the faithful to combat and die under the banners of the saint; and he soon prompted, or accepted, the sacrifice of a virgin, who professed the religion of the Greeks, and cultivated the friendship of Orestes. Hypatia, the daughter of Theon the mathematician²⁵, was initiated in her father's studies; her learned comments have elucidated the geometry of Apollonius and Diophantus, and she publicly taught, both at Athens and Alexandria, the philosophy of Plato and Aristotle. In the bloom of beauty, and in the maturity of wisdom, the modest maid refused her lovers and instructed her disciples; the persons most illustrious for their rank or merit were impatient to visit the female philosopher; and Cyril beheld, with a jealous eye, the gorgeous train of horses and slaves who crowded the door of her academy. A rumour was spread among the Christians, that the daughter of Theon was the only obstacle to the reconciliation of the præfect and the archbishop; and that obstacle was speedily removed. On a fatal day, in the holy season of Lent, Hypatia was torn from her chariot,

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stripped naked, dragged to the church, and inhumanly butchered by the hands of Peter the reader, and a troop of savage and merciless fanatics: her flesh was scraped from her bones with sharp oyster-shells²⁶, and her quivering limbs were delivered to the flames. The just progress of enquiry and punishment was stopped by seasonable gifts; but the murder of Hypatia has imprinted an indelible stain on the character and religion of Cyril of Alexandria²⁷.

Nestorius,
patriarch of
Constanti-
nople,
A. D. 428,
April 10.

Superstition, perhaps, would more gently expiate the blood of a virgin, than the banishment of a saint; and Cyril had accompanied his uncle to the iniquitous synod of the Oak. When the memory of Chrysostom was restored and consecrated, the nephew of Theophilus, at the head of a dying faction, still maintained the justice of his sentence; nor was it till after a tedious delay and an obstinate resistance, that he yielded to the consent of the Catholic world²⁸. His enmity to the Byzantine pontiffs²⁹ was a sense of interest, not a sally of passion: he envied their fortunate station in the sunshine of the Imperial court; and he dreaded their upstart ambition, which oppressed the metropolitans of Europe and Asia, invaded the provinces of Antioch and Alexandria, and measured their diocese by the limits of the empire. The long moderation of Atticus, the mild usurper of the throne of Chrysostom, suspended the animosities of the eastern patriarchs; but Cyril was at length awakened by the exaltation of a rival more worthy of

his esteem and hatred. After the short and troubled reign of Sifinnius bishop of Constantinople, the factions of the clergy, and people were appeased by the choice of the emperor, who, on this occasion, consulted the voice of fame, and invited the merit of a stranger. Nestorius³⁹, a native of Germanicia, and a monk of Antioch, was recommended by the austerity of his life, and the eloquence of his sermons; but the first homily which he preached before the devout Theodosius betrayed the acrimony and impatience of his zeal. "Give me, O Cæsar," he exclaimed, "give me the earth purged of heretics, and I will give you in exchange the kingdom of heaven. Exterminate with me, the heretics, and with you, I will exterminate the Persians." On the fifth day, as if the treaty had been already signed, the patriarch of Constantinople discovered, surprised, and attacked a secret conventicle of the Arians: they preferred death to submission; the flames that were kindled by their despair, soon spread to the neighbouring houses, and the triumph of Nestorius was clouded by the name of *incendiary*. On either side of the Hellespont, his episcopal vigour imposed a rigid formulary of faith and discipline; a chronological error concerning the festival of Easter was punished as an offence against the church and state. Lydia and Caria, Sardes and Miletus, were purified with the blood of the obstinate Quartodecimans; and the edict of the emperor, or rather of the patriarch, enumerates three and

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twenty degrees and denominations in the guilt and punishment of heresy³¹. But the sword of persecution, which Nestorius so furiously wielded, was soon turned against his own breast. Religion was the pretence; but, in the judgment of a contemporary saint, ambition was the genuine motive of episcopal warfare³².

His heresy,
A. D.
429—431.

In the Syrian school, Nestorius had been taught to abhor the confusion of the two natures, and nicely to discriminate the humanity of his *master* Christ from the divinity of the *Lord* Jesus³³. The Blessed Virgin he revered as the mother of Christ, but his ears were offended with the rash and recent title of mother of God³⁴, which had been insensibly adopted since the origin of the Arian controversy. From the pulpit of Constantinople, a friend of the patriarch, and afterwards the patriarch himself, repeatedly preached against the use, or the abuse, of a word³⁵ unknown to the apostles, unauthorized by the church, and which could only tend to alarm the timorous, to mislead the simple, to amuse the profane, and to justify, by a seeming resemblance, the old genealogy of Olympus³⁶. In his calmer moments Nestorius confessed, that it might be tolerated or excused by the union of the two natures, and the communication of their *idioms*³⁷: but he was exasperated, by contradiction, to disclaim the worship of a new-born, an infant Deity, to draw his inadequate families from the conjugal or civil partnerships of life, and to describe the manhood of Christ as the robe, the instrument, the tabernacle of his

Godhead. At these blasphemous sounds, the pillars of the sanctuary were shaken. The unsuccessful competitors of Nestorius indulged their pious or personal resentment, the Byzantine clergy was secretly displeased with the intrusion of a stranger; whatever is superstitious or absurd, might claim the protection of the monks; and the people was interested in the glory of their virgin patroness³⁸. The sermons of the archbishop, and the service of the altar, were disturbed by seditious clamour; his authority and doctrine were renounced by separate congregations; every wind scattered round the empire the leaves of controversy; and the voice of the combatants on a sonorous theatre re-echoed in the cells of Palestine and Egypt. It was the duty of Cyril to enlighten the zeal and ignorance of his innumerable monks: in the school of Alexandria, he had imbibed and professed the incarnation of one nature; and the successor of Athanasius consulted his pride and ambition, when he rose in arms against another Arius, more formidable and more guilty, on the second throne of the hierarchy. After a short correspondence, in which the rival prelates disguised their hatred in the hollow language of respect and charity, the patriarch of Alexandria denounced to the prince and people, to the East and to the West, the damnable errors of the Byzantine pontiff. From the East, more especially from Antioch, he obtained the ambiguous counsels of toleration and silence, which were addressed to both parties while they favoured the cause of Nestorius. But

C H A P. XLVII. the Vatican received with open arms the messengers of Egypt. The vanity of Celestine was flattered by the appeal; and the partial version of a monk decided the faith of the pope, who, with his Latin clergy, was ignorant of the language, the arts, and the theology of the Greeks. At the head of an Italian synod, Celestine weighed the merits of the cause, approved the creed of Cyril, condemned the sentiments and person of Nestorius, degraded the heretic from his episcopal dignity, allowed a respite of ten days for recantation and penance, and delegated to his enemy the execution of this rash and illegal sentence. But the patriarch of Alexandria, whilst he darted the thunders of a god, exposed the errors and passions of a mortal: and his twelve anathemas³⁹ still torture the orthodox slaves, who adore the memory of a saint, without forfeiting their allegiance to the synod of Chalcedon. These bold assertions are indelibly tinged with the colours of the Apollinarian heresy: but the serious, and perhaps the sincere, professions of Nestorius have satisfied the wiser and less partial theologians of the present times⁴⁰.

First council
of Ephesus,
A. D. 431,
June—Oro-
ber.

Yet neither the emperor nor the primate of the East were disposed to obey the mandate of an Italian priest; and a synod of the Catholic, or rather of the Greek church, was unanimously demanded as the sole remedy that could appease or decide this ecclesiastical quarrel⁴¹. Ephesus, on all sides accessible by sea and land, was chosen for the place, the festival of Pentecost for

the day, of the meeting: a writ of summons was dispatched to each metropolitan, and a guard was stationed to protect and confine the fathers till they should settle the mysteries of heaven, and the faith of the earth. Nestorius appeared not as a criminal, but as a judge; he depended on the weight rather than the number of his prelates, and his sturdy slaves from the baths of Zeuxippus were armed for every service of injury or defence. But his adversary Cyril was more powerful in the weapons both of the flesh and of the spirit. Disobedient to the letter, or at least to the meaning, of the royal summons, he was attended by fifty Egyptian bishops, who expected from their patriarch's nod the inspiration of the Holy Ghost. He had contracted an intimate alliance with Memnon bishop of Ephesus. The despotic primate of Asia disposed of the ready succours of thirty or forty episcopal votes: a crowd of peasants, the slaves of the church, was poured into the city to support with blows and clamours a metaphysical argument; and the people zealously asserted the honour of the virgin, whose body reposed within the walls of Ephesus⁴². The fleet which had transported Cyril from Alexandria was laden with the riches of Egypt; and he disembarked a numerous body of mariners, slaves, and fanatics, enlisted with blind obedience under the banner of St. Mark and the mother of God. The fathers, and even the guards, of the council were awed by this martial array; the adversaries of Cyril and Mary

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were insulted in the streets, or threatened in their houses; his eloquence and liberality made a daily encrease in the number of his adherents; and the Egyptian soon computed that he might command the attendance and the voices of two hundred bishops⁴³. But the author of the twelve anathemas foresaw and dreaded the opposition of John of Antioch, who, with a small, though respectable, train of metropolitans and divines, was advancing by slow journies from the distant capital of the East. Impatient of a delay which he stigmatized as voluntary and culpable⁴⁴, Cyril announced the opening of the synod sixteen days after the festival of Pentecost. Nestorius, who depended on the near approach of his Eastern friends, persisted like his predecessor Chrysostom, to disclaim the jurisdiction and to disobey the summons of his enemies: they hastened his trial, and his accuser presided in the seat of judgment. Sixty-eight bishops, twenty-two of metropolitan rank, defended his cause by a modest and temperate protest: they were excluded from the counsels of their brethren. Candidian, in the emperor's name, requested a delay of four days: the profane magistrate was driven with outrage and insult from the assembly of the saints. The whole of this momentous transaction was crowded into the compass of a summer's day: the bishops delivered their separate opinions; but the uniformity of style reveals the influence or the hand of a master, who has been accused of corrupting the public evidence of their acts

Condemna-
tion of
Nestorius,
June 22.

and subscriptions ⁴⁵. Without a dissenting voice, they recognized in the epistles of Cyril, the Nicene creed and the doctrine of the fathers: but the partial extracts from the letters and homilies of Nestorius were interrupted by curses and anathemas: and the heretic was degraded from his episcopal and ecclesiastical dignity. The sentence, maliciously inscribed to the new Judas, was affixed and proclaimed in the streets of Ephesus: the weary prelates, as they issued from the church of the mother of God, were saluted as her champions; and her victory was celebrated by the illuminations, the songs, and the tumult of the night.

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On the fifth day, the triumph was clouded by the arrival and indignation of the Eastern bishops. In a chamber of the inn, before he had wiped the dust from his shoes, John of Antioch gave audience to Candidian the Imperial minister; who related his ineffectual efforts to prevent or to annul the hasty violence of the Egyptian. With equal haste and violence, the Oriental synod of fifty bishops degraded Cyril and Memnon from their episcopal honours, condemned, in the twelve anathemas, the purest venom of the Apollinarian heresy, and described the Alexandrian primate as a monster, born and educated for the destruction of the church ⁴⁶. His throne was distant and inaccessible; but they instantly resolved to bestow on the flock of Ephesus the blessing of a faithful shepherd. By the vigilance of Memnon, the churches were shut against

Opposition of
the Orientals,
June 27, &c.

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them, and a strong garrison was thrown into the cathedral. The troops, under the command of Candidian, advanced to the assault; the outguards were routed and put to the sword, but the place was impregnable: the besiegers retired; their retreat was pursued by a vigorous sally; they lost their horses, and many of the soldiers were dangerously wounded with clubs and stones. Ephesus, the city of the Virgin, was defiled with rage and clamour, with sedition and blood; the rival synods darted anathemas and excommunications from their spiritual engines; and the court of Theodosius was perplexed by the adverse and contradictory narratives of the Syrian and Egyptian factions. During a busy period of three months, the emperor tried every method, except the most effectual means of indifference and contempt, to reconcile this theological quarrel. He attempted to remove or intimidate the leaders by a common sentence of acquittal or condemnation; he invested his representatives at Ephesus with ample power and military force; he summoned from either party eight chosen deputies to a free and candid conference in the neighbourhood of the capital, far from the contagion of popular frenzy. But the Orientals refused to yield, and the Catholics, proud of their numbers and of their Latin allies, rejected all terms of union or toleration. The patience of the meek Theodosius was provoked, and he dissolved in anger this episcopal tumult, which at the distance of thirteen centuries assumed

the venerable aspect of the third œcumenical council⁴⁷. "God is my witness," said the pious prince, "that I am not the author of this confusion. His providence will discern and punish the guilty. Return to your provinces, and may your private virtues repair the mischief and scandal of your meeting." They returned to their provinces; but the same passions which had distracted the synod of Ephesus were diffused over the Eastern world. After three obstinate and equal campaigns, John of Antioch and Cyril of Alexandria condescended to explain and embrace: but their seeming re-union must be imputed rather to prudence than to reason, to the mutual lassitude rather than to the Christian charity of the patriarchs.

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The Byzantine pontiff had instilled into the royal ear a baleful prejudice against the character and conduct of his Egyptian rival. An epistle of menace and invective⁴⁸, which accompanied the summons, accused him as a busy, insolent, and envious priest, who perplexed the simplicity of the faith, violated the peace of the church and state, and, by his artful and separate addresses to the wife and sister of Theodosius, presumed to suppose, or to scatter, the seeds of discord in the Imperial family. At the stern command of his sovereign, Cyril had repaired to Ephesus, where he was resisted, threatened, and confined, by the magistrates in the interest of Nestorius and the Orientals; who assembled the troops of Lydia and Ionia to suppress the fanatic and disorderly

Victory of
Cyril,
A. D.
431—439.

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train of the patriarch. Without expecting the royal licence, he escaped from his guards, precipitately embarked, deserted the imperfect synod, and retired to his episcopal fortress of safety and independence. But his artful emissaries, both in the court and city, successfully laboured to appease the resentment, and to conciliate the favour, of the emperor. The feeble son of Arcadius was alternately swayed by his wife and sister, by the eunuchs and women of the palace: superstition and avarice were their ruling passions; and the orthodox chiefs were assiduous in their endeavours to alarm the former and to gratify the latter. Constantinople and the suburbs were sanctified with frequent monasteries, and the holy abbots, Dalmatius and Eutyches⁴⁹, had devoted their zeal and fidelity to the cause of Cyril, the worship of Mary, and the unity of Christ. From the first moment of their monastic life, they had never mingled with the world, or trod the profane ground of the city. But in this awful moment of the danger of the church, their vow was superseded by a more sublime and indispensable duty. At the head of a long order of monks and hermits, who carried burning tapers in their hands, and chaunted litanies to the mother of God, they proceeded from their monasteries to the palace. The people was edified and inflamed by this extraordinary spectacle, and the trembling monarch listened to the prayers and adjurations of the saints, who boldly pronounced, that none could hope for salvation, unless they embraced

the person and the creed of the orthodox successor of Athanasius. At the same time every avenue of the throne was assaulted with gold. Under the decent names of *eulogies* and *benefactions*, the courtiers of both sexes were bribed according to the measure of their power and rapaciousness. But their incessant demands despoiled the sanctuaries of Constantinople and Alexandria; and the authority of the patriarch was unable to silence the just murmur of his clergy, that a debt of sixty thousand pounds had already been contracted to support the expence of this scandalous corruption". Pulcheria, who relieved her brother from the weight of an empire, was the firmest pillar of orthodoxy; and so intimate was the alliance between the thunders of the synod and the whispers of the court, that Cyril was assured of success if he could displace one eunuch, and substitute another in the favour of Theodosius. Yet the Egyptian could not boast of a glorious or decisive victory. The emperor, with unaccustomed firmness, adhered to his promise of protecting the innocence of the Oriental bishops; and Cyril softened his anathemas, and confessed, with ambiguity and reluctance, a twofold nature of Christ, before he was permitted to satiate his revenge against the unfortunate Nestorius⁵¹.

The rash and obstinate Nestorius, before the end of the synod, was oppressed by Cyril, betrayed by the court, and faintly supported by his Eastern friends. A sentiment of fear or indignation prompted him, while it was yet time, to

Exile of
Nestorius,
A. D. 435.

C H A P. XLVII. affect the glory of a voluntary abdication⁵²: his wish, or at least his request, was readily granted; he was conducted with honour from Ephesus to his old monastery of Antioch; and, after a short pause, his successors, Maximian and Proclus, were acknowledged as the lawful bishops of Constantinople. But in the silence of his cell, the degraded patriarch could no longer resume the innocence and security of a private monk. The past he regretted, he was discontented with the present, and the future he had reason to dread: the Oriental bishops successively disengaged their cause from his unpopular name, and each day decreased the number of the schismatics who revered Nestorius as the confessor of the faith. After a residence at Antioch of four years, the hand of Theodosius subscribed an edict⁵³, which ranked him with Simon the magician, proscribed his opinions and followers, condemned his writings to the flames, and banished his person first to Petra in Arabia, and at length to Oasis, one of the *islands* of the Libyan desert⁵⁴. Secluded from the church and from the world, the exile was still pursued by the rage of bigotry and war. A wandering tribe of the Blemmyes or Nubians, invaded his solitary prison: in their retreat they dismissed a crowd of useless captives; but no sooner had Nestorius reached the banks of the Nile, than he would gladly have escaped from a Roman and orthodox city to the milder servitude of the savages. His flight was punished as a new crime; the soul of the patriarch inspired the civil

and ecclesiastical powers of Egypt; the magistrates, the soldiers, the monks, devoutly tortured the enemy of Christ and St. Cyril; and, as far as the confines of Æthiopia, the heretic was alternately dragged and recalled, till his aged body was broken by the hardships and accidents of these reiterated journies. Yet his mind was still independent and erect; the president of Thebais was awed by his pastoral letters; he survived the Catholic tyrant of Alexandria, and, after sixteen years banishment, the synod of Chalcedon would perhaps have restored him to the honours, or at least to the communion, of the church. The death of Nestorius prevented his obedience to their welcome summons⁵⁵; and his disease might afford some colour to the scandalous report, that his tongue, the organ of blasphemy, had been eaten by the worms. He was buried in a city of Upper Egypt, known by the names of Chemnis, or Panopolis, or Akmim⁵⁶; but the immortal malice of the Jacobites has persevered, for ages to cast stones against his sepulchre, and to propagate the foolish tradition, that it was never watered by the rain of heaven, which equally descends on the righteous and the ungodly⁵⁷. Humanity may drop a tear on the fate of Nestorius: yet justice must observe, that he suffered the persecution which he had approved and inflicted⁵⁸.

The death of the Alexandrian primate, after a reign of thirty-two years, abandoned the Catholics to the intemperance of zeal and the abuse of

Heresy of
Entyches,
A. D. 448.

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victory". The *monophysite* doctrine (one incarnate nature) was rigorously preached in the churches of Egypt and the monasteries of the East; the primitive creed of Apollinaris was protected by the sanctity of Cyril; and the name of EUTYCHES, his venerable friend, has been applied to the sect most adverse to the Syrian heresy of Nestorius. His rival Eutyches was the abbot, or archimandrite, or superior of three hundred monks, but the opinions of a simple and illiterate recluse might have expired in the cell, where he had slept above seventy years, if the resentment or indiscretion of Flavian the Byzantine pontiff, had not exposed the scandal to the eyes of the Christian world. His domestic synod was instantly convened, their proceedings were sullied with clamour and artifice, and the aged heretic was surpris'd into a seeming confession, that Christ had not derived his body from the substance of the Virgin Mary. From their partial decree, Eutyches appealed to a general council; and his cause was vigorously asserted by his godson Chrysaphius, the reigning eunuch of the palace, and his accomplice Dioscorus, who had succeeded to the throne, the creed, the talents, and the vices of the nephew of Theophilus. By the special summons of Theodosius, the second synod of Ephesus was judiciously composed of ten metropolitans and ten bishops from each of the six dioceses of the Eastern empire: some exceptions of favour or merit enlarged the number to one hundred and thirty-five; and the Syrian

Second
council of
Ephesus,
A. D. 449,
August 8—
II.

Barsumas, as the chief and representative of the monks, was invited to sit and vote with the successors of the apostles. But the despotism of the Alexandrian patriarch again oppressed the freedom of debate: the same spiritual and carnal weapons were again drawn from the arsenals of Egypt; the Asiatic veterans, a band of archers, served under the orders of Dioscorus; and the more formidable monks, whose minds were inaccessible to reason or mercy, besieged the doors of the cathedral. The general, and, as it should seem, the unconstrained voice of the fathers, accepted the faith and even the anathemas of Cyril; and the heresy of the two natures was formally condemned in the persons and writings of the most learned Orientals. "May those who divide Christ, be divided with the sword, may they be hewn in pieces, may they be burnt alive!" were the charitable wishes of a Christian synod. The innocence and sanctity of Eutyches were acknowledged without hesitation; but the prelates, more especially those of Thrace and Asia, were unwilling to depose their patriarch for the use or even the abuse of his lawful jurisdiction. They embraced the knees of Dioscorus, as he stood with a threatening aspect on the footstool of his throne, and conjured him to forgive the offences, and to respect the dignity, of his brother. "Do you mean to raise a sedition?" exclaimed the relentless tyrant. "Where are the officers?" At these words a furious multitude of monks and soldiers, with staves, and swords, and chains,

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burst into the church: the trembling bishops hid themselves behind the altar, or under the benches, and as they were not inspired with the zeal of martyrdom, they successively subscribed a blank paper, which was afterwards filled with the condemnation of the Byzantine pontiff. Flavian was instantly delivered to the wild-beasts of this spiritual amphitheatre: the monks were stimulated by the voice and example of Barsumas to avenge the injuries of Christ: it is said that the patriarch of Alexandria reviled, and buffeted, and kicked, and trampled his brother of Constantinople: it is certain, that the victim, before he could reach the place of his exile, expired on the third day, of the wounds and bruises which he had received at Ephesus. This second synod has been justly branded as a gang of robbers and assassins; yet the accusers of Dioscorus would magnify his violence, to alleviate the cowardice and inconstancy of their own behaviour.

Council of
Chalcedon,
A. D. 451,
October 8—
November 1.

The faith of Egypt had prevailed: but the vanquished party was supported by the same pope who encountered without fear the hostile rage of Attila and Genferic. The theology of Leo, his famous *tome* or epistle on the mystery of the incarnation, had been disregarded by the synod of Ephesus: his authority, and that of the Latin church, was insulted in his legates, who escaped from slavery and death to relate the melancholy tale of the tyranny of Dioscorus and the martyrdom of Flavian. His provincial synod annulled the irregular proceedings of Ephesus; but as this

step was itself irregular, he solicited the convocation of a general council in the free and orthodox provinces of Italy. From his independent throne, the Roman bishop spoke and acted without danger, as the head of the Christians, and his dictates were obsequiously transcribed by Placidia and her son Valentinian; who addressed their Eastern colleague to restore the peace and unity of the church. But the pageant of Oriental royalty was moved with equal dexterity by the hand of the eunuch; and Theodosius could pronounce, without hesitation, that the church was already peaceful and triumphant, and that the recent flame had been extinguished by the just punishment of the Nestorians. Perhaps the Greeks would be still involved in the heresy of the Monophysites, if the emperor's horse had not fortunately stumbled; Theodosius expired; his orthodox sister, Pulcheria, with a nominal husband, succeeded to the throne; Chrysaphius was burnt, Dioscorus was disgraced, the exiles were recalled, and the *tome* of Leo was subscribed by the Oriental bishops. Yet the pope was disappointed in his favourite project of a Latin council; he disdained to preside in the Greek synod, which was speedily assembled at Nice in Bithynia; his legates required in a peremptory tone the presence of the emperor; and the weary fathers were transported to Chalcedon under the immediate eye of Marcian and the senate of Constantinople. A quarter of a mile from the Thracian Bosphorus, the church of St. Euphemia was built

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on the summit of a gentle though lofty ascent: the triple structure was celebrated as a prodigy of art, and the boundless prospect of the land and sea might have raised the mind of a sectary to the contemplation of the God of the universe. Six hundred and thirty bishops were ranged in order in the nave of the church; but the patriarchs of the East were preceded by the legates, of whom the third was a simple priest; and the place of honour was reserved for twenty laymen of consular or senatorian rank. The gospel was ostentatiously displayed in the centre, but the rule of faith was defined by the Papal and Imperial ministers, who moderated the thirteen sessions of the council of Chalcedon⁶². Their partial interposition silenced the intemperate shouts and execrations, which degraded the episcopal gravity; but, on the formal accusation of the legates, Dioscorus was compelled to descend from his throne to the rank of a criminal, already condemned in the opinion of his judges. The Orientals, less adverse to Nestorius than to Cyril, accepted the Romans as their deliverers: Thrace, and Pontus, and Asia, were exasperated against the murderer of Flavian, and the new patriarchs of Constantinople and Antioch secured their places by the sacrifice of their benefactor. The bishops of Palestine, Macedonia, and Greece, were attached to the faith of Cyril; but in the face of the synod, in the heat of the battle, the leaders, with their obsequious train, passed from the right to the left wing, and decided the

victory by this seasonable desertion. Of the seventeen suffragans who sailed from Alexandria, four were tempted from their allegiance, and thirteen, falling prostrate on the ground, implored the mercy of the council with sighs and tears, and a pathetic declaration, that, if they yielded, they should be massacred on their return to Egypt by the indignant people. A tardy repentance was allowed to expiate the guilt or error of the accomplices of Dioscorus: but their sins were accumulated on his head; he neither asked nor hoped for pardon, and the moderation of those who pleaded for a general amnesty, was drowned in the prevailing cry of victory and revenge. To save the reputation of his late adherents, some *personal* offences were skilfully detected; his rash and illegal excommunication of the pope, and his contumacious refusal (while he was detained a prisoner) to attend the summons of the synod. Witnesses were introduced to prove the special facts of his pride, avarice, and cruelty; and the fathers heard with abhorrence, that the alms of the church were lavished on the female dancers, that his palace, and even his bath, was open to the prostitutes of Alexandria, and that the infamous Pan sophia, or Irene, was publicly entertained as the concubine of the patriarch⁶³.

For these scandalous offences Dioscorus was deposed by the synod, and banished by the emperor: but the purity of his faith was declared in the presence, and with the tacit approbation, of the

Faith of
Chalcedon.

C H A P. fathers. Their prudence supposed rather than pro-
 XLVII. nounced the heresy of Eutyches, who was never
 summoned before their tribunal; and they sat
 silent and abashed, when a bold Monophysite,
 casting at their feet a volume of Cyril, challenged
 them to anathematize in his person the doctrine of
 the saint. If we fairly peruse the acts of Chalcedon
 as they are recorded by the orthodox party⁶⁴,
 we shall find that a great majority of the bishops,
 embraced the simple unity of Christ; and the am-
 biguous concession, that he was formed OF or
 FROM two natures, might imply either their pre-
 vious existence, or their subsequent confusion, or
 some dangerous interval between the conception
 of the man and the assumption of the God. The
 Roman theology, more positive and precise,
 adopted the term most offensive to the ears of the
 Egyptians, that Christ existed IN two natures;
 and this momentous particle⁶⁵ (which the me-
 mory, rather than the understanding, must retain)
 had almost produced a schism among the Catholic
 bishops. The *tome* of Leo had been respectfully,
 perhaps sincerely, subscribed: but they protested,
 in two successive debates, that it was neither ex-
 pedient nor lawful to transgress the sacred land-
 marks which had been fixed at Nice, Constanti-
 nople, and Ephesus, according to the rule of
 scripture and tradition. At length they yielded to
 the importunities of their masters, but their infal-
 lible decree, after it had been ratified with deli-
 berate votes and vehement acclamations, was
 overturned in the next session by the opposition

of the legates and their Oriental friends. It was in vain that a multitude of episcopal voices repeated in chorus, "The definition of the fathers is orthodox and immutable! The heretics are now discovered! Anathema to the Nestorians! Let them depart from the synod! Let them repair to Rome"; The legates threatened, the emperor was absolute, and a committee of eighteen bishops prepared a new decree, which was imposed on the reluctant assembly. In the name of the fourth general council, the Christ in one person, but *in two* natures, was announced to the Catholic world: an invisible line was drawn between the heresy of Apollinaris and the faith of St. Cyril; and the road to paradise, a bridge as sharp as a razor, was suspended over the abyss by the master-hand of the theological artist. During ten centuries of blindness and servitude, Europe received her religious opinions from the oracle of the Vatican; and the same doctrine, already varnished with the rust of antiquity, was admitted without dispute into the creed of the reformers, who disclaimed the supremacy of the Roman pontiff. The synod of Chalcedon still triumphs in the protestant churches; but the ferment of controversy has subsided, and the most pious Christians of the present day are ignorant or careless of their own belief concerning the mystery of the incarnation.

Far different was the temper of the Greeks and Egyptians under the orthodox reigns of Leo and Marcian. Those pious emperors enforced with arms and edicts the symbol of their faith⁶⁷: and

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Discord of
the East,
A. D.
451—482.

CHAP. XLVII. it was declared by the conscience or honour of
 five hundred bishops, that the decrees of the synod
 of Chalcedon might be lawfully supported, even
 with blood. The Catholics observed with satis-
 faction, that the same synod was odious both to
 the Nestorians and the Monophysites⁶⁸; but the
 Nestorians were less angry, or less powerful, and
 the East was distracted by the obstinate and fan-
 guinary zeal of the Monophysites. Jerusalem was
 occupied by an army of monks; in the name of
 the one incarnate nature, they pillaged, they
 burnt, they murdered; the sepulchre of Christ
 was defiled with blood; and the gates of the city
 were guarded in tumultuous rebellion against the
 troops of the emperor. After the disgrace and exile of
 Dioscorus, the Egyptians still regretted their spiri-
 tual father; and detested the usurpation of his suc-
 cessor, who was introduced by the fathers of Chal-
 cedon. The throne of Proterius was supported by
 a guard of two thousand soldiers; he waged a five
 years war against the people of Alexandria; and
 on the first intelligence of the death of Marcian,
 he became the victim of their zeal. On the third
 day before the festival of Easter, the patriarch
 was besieged in the cathedral, and murdered in
 the baptistery. The remains of his mangled corpse
 were delivered to the flames, and his ashes to the
 wind: and the deed was inspired by the vision
 of a pretended angel; an ambitious monk, who,
 under the name of Timothy the Cat⁶⁹, succeeded
 to the place and opinions of Dioscorus. This
 deadly superstition was inflamed, on either side,
 by

by the principle and the practice of retaliation: in the pursuit of a metaphysical quarrel, many thousands⁷⁰ were slain, and the Christians of every degree were deprived of the substantial enjoyments of social life, and of the invisible gifts of baptism and the holy communion. Perhaps an extravagant fable of the times may conceal an allegorical picture of these fanatics, who tortured each other, and themselves. "Under the consulship of Verantius and Celer," says a grave bishop, "the people of Alexandria, and all Egypt, were seized with a strange and diabolical frenzy: great and small, slaves and freedmen, monks and clergy, the natives of the land, who opposed the synod of Chalcedon, lost their speech and reason, barked like dogs, and tore, with their own teeth, the flesh from their hands and arms⁷¹."

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The disorders of thirty years at length produced the famous HENOTICON⁷² of the emperor Zeno, which in his reign, and in that of Anastasius, was signed by all the bishops of the East, under the penalty of degradation and exile, if they rejected or infringed this salutary and fundamental law. The clergy may smile or groan at the presumption of a layman who defines the articles of faith; yet if he stoops to the humiliating task, his mind is less infected by prejudice or interest, and the authority of the magistrate can only be maintained by the concord of the people. It is in ecclesiastical story, that Zeno appears least contemptible; and I am not able to discern any

The Henoticon of Zeno,
A. D. 482.

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Manichæan or Eutichian guilt in the generous saying of Anastasius, that it was unworthy of an emperor to persecute the worshippers of Christ and the citizens of Rome. The Henoticon was most pleasing to the Egyptians; yet the smallest blemish has not been described by the jealous, and even jaundiced, eyes of our orthodox schoolmen, and it accurately represents the Catholic faith of the incarnation, without adopting or disclaiming the peculiar terms or tenets of the hostile sects. A solemn anathema is pronounced against Nestorius and Eutyches; against all heretics by whom Christ is divided, or confounded, or reduced to a phantom. Without defining the number or the article of the word *nature*, the pure system of S. Cyril, the faith of Nice, Constantinople, and Ephesus, is respectfully confirmed; but, instead of bowing at the name of the fourth council, the subject is dismissed by the censure of all contrary doctrines, *if* any such have been taught either elsewhere or at Calcedon. Under this ambiguous expression, the friends and the enemies of the last synod might unite in a silent embrace. The most reasonable Christians acquiesced in this mode of toleration; but their reason was feeble and inconstant, and their obedience was despised as timid and servile by the vehement spirit of their brethren. On a subject which engrossed the thoughts and discourses of men, it was difficult to preserve an exact neutrality; a book, a sermon, a prayer, rekindled the flame of controversy; and the bonds of communion were alternately

broken and renewed by the private animosity of the bishops. The space between Nestorius and Eutyches was filled by a thousand shades of language and opinion; the *acephali* ⁷³ of Egypt, and the Roman pontiffs, of equal valour, though of unequal strength, may be found at the two extremities of the theological scale. The *acephali*, without a king or a bishop, were separated above three hundred years from the patriarchs of Alexandria, who had accepted the communion of Constantinople, without exacting a formal condemnation of the synod of Chalcedon. For accepting the communion of Alexandria, without a formal approbation of the same synod, the patriarchs of Constantinople were anathematized by the popes. Their inflexible despotism involved the most orthodox of the Greek churches in this spiritual contagion, denied or doubted the validity of their sacraments ⁷⁴, and fomented, thirty-five years, the schism of the East and West, till they finally abolished the memory of four Byzantine pontiffs, who had dared to oppose the supremacy of St. Peter ⁷⁵. Before that period, the precarious truce of Constantinople and Egypt had been violated by the zeal of the rival prelates. Macedonius, who was suspected of the Nestorian heresy, asserted, in disgrace and exile, the synod of Chalcedon, while the successor of Cyril would have purchased its overthrow with a bribe of two thousand pounds of gold.

In the fever of the times, the sense, or rather the sound, of a syllable, was sufficient to disturb

The Trisagion, and religious war,

CHAP. the peace of an empire. The TRISAGION ⁷⁶
 XLVII. (thrice holy), "Holy, holy, holy, Lord God
 till the death of Anastasius, A. D. 508—518. "of Hosts!" is supposed, by the Greeks, to
 be the identical hymn which the angels and
 cherubim eternally repeat before the throne of
 God, and which, about the middle of the fifth
 century, was miraculously revealed to the church
 of Constantinople. The devotion of Antioch
 soon added, "who was crucified for us!" and
 this grateful address, either to Christ alone, or
 to the whole Trinity, may be justified by the
 rules of theology, and has been gradually adopted
 by the Catholics of the East and West. But it
 had been imagined by a Monophysite bishop⁷⁷;
 the gift of an enemy was at first rejected as a dire
 and dangerous blasphemy, and the rash innova-
 tion had nearly cost the emperor Anastasius his
 throne and his life⁷⁸. The people of Constanti-
 nople was devoid of any rational principles of
 freedom: but they held, as a lawful cause of
 rebellion; the colour of a livery in the races, or
 the colour of a mystery in the schools. The
 Trifagion, with and without this obnoxious ad-
 dition, was chaunted in the cathedral by two
 adverse choirs, and, when their lungs were ex-
 hausted, they had recourse to the more solid
 arguments of sticks and stones: the aggressors
 were punished by the emperor, and defended by
 the patriarch; and the crown and mitre were
 staked on the event of this momentous quarrel.
 The streets were instantly crowded with innu-
 merable swarms of men, women, and children;

the legions of monks, in regular array, marched, and shouted, and fought at their head. “Christians! this is the day of martyrdom; let us not desert our spiritual father; anathema to the Manichæan tyrant! he is unworthy to reign.” Such was the Catholic cry; and the galleys of Anastasius lay upon their oars before the palace, till the patriarch had pardoned his penitent, and hushed the waves of the troubled multitude. The triumph of Macedonius was checked by a speedy exile; but the zeal of his flock was again exasperated by the same question, “Whether one of the Trinity had been crucified?” On this momentous occasion; the blue and green factions of Constantinople suspended their discord, and the civil and military powers were annihilated in their presence. The keys of the city, and the standards of the guards, were deposited in the forum of Constantine, the principal station and camp of the faithful. Day and night they were incessantly busied either in singing hymns to the honour of their God, or in pillaging and murdering the servants of their prince. The head of his favourite monk, the friend, as they styled him, of the enemy of the Holy Trinity, was borne aloft on a spear; and the firebrands which had been darted against heretical structures, diffused the undistinguishing flames over the most orthodox buildings. The statues of the emperor were broken, and his person was concealed in a suburb, till, at the end of three days, he dared to implore the mercy of his subjects. Without his diadem, and

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in the posture of a suppliant, Anastasius appeared on the throne of the circus. The Catholics, before his face, rehearsed their genuine Trisagion; they exulted in the offer which he proclaimed by the voice of a herald, of abdicating the purple; they listened to the admonition, that, since *all* could not reign, they should previously agree in the choice of a sovereign; and they accepted the blood of two unpopular ministers, whom their master, without hesitation, condemned to the lions. These furious but transient seditions were encouraged by the success of Vitalian, who, with an army of Huns and Bulgarians, for the most part idolaters, declared himself the champion of the Catholic faith. In this pious rebellion he depopulated Thrace, besieged Constantinople, exterminated sixty-five thousand of his fellow-Christians, till he obtained the recall of the bishops, the satisfaction of the pope, and the establishment of the council of Chalcedon, an orthodox treaty, reluctantly signed by the dying Anastasius, and more faithfully performed by the uncle of Justinian. And such was the event of the *first* of the religious wars, which have been waged in the name, and by the disciples, of the God of Peace⁷⁹.

First religious
war,
A. D. 514.

Theological
character and
government
of Justinian,
A. D.
519—565.

Justinian has been already seen in the various lights of a prince, a conqueror, and a law-giver: the theologian⁸⁰ still remains, and it affords an unfavourable prejudice, that his theology should form a very prominent feature of his portrait. The sovereign sympathised with his

subjects in their superstitious reverence for living and departed saints: his Code, and more especially his Novels, confirm and enlarge the privileges of the clergy; and in every dispute between a monk and a layman, the partial judge was inclined to pronounce, that truth, and innocence, and justice, were always on the side of the church. In his public and private devotions, the emperor was assiduous and exemplary; his prayers, vigils, and fasts, displayed the austere penance of a monk; his fancy was amused by the hope, or belief, of personal inspiration; he had secured the patronage of the Virgin and St. Michael the archangel; and his recovery from a dangerous disease was ascribed to the miraculous succour of the holy martyrs Cosmas and Damian. The capital and the provinces of the East were decorated with the monuments of his religion⁸¹; and, though the far greater part of these costly structures may be attributed to his taste or ostentation, the zeal of the royal architect was probably quickened by a genuine sense of love and gratitude towards his invisible benefactors.³ Among the titles of Imperial greatness, the name of *Pious* was most pleasing to his ear; to promote the temporal and spiritual interest of the church, was the serious business of his life; and the duty of father of his country was often sacrificed to that of defender of the faith. The controversies of the times were congenial to his temper and understanding; and the theological professors must inwardly deride the diligence of a

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stranger, who cultivated their art and neglected his own. "What can ye fear," said a bold conspirator to his associates, "from your bigoted tyrant? Sleepless and unarmed he sits whole nights in his closet, debating with reverend greybeards, and turning over the pages of ecclesiastical volumes⁸²." The fruits of these lucubrations were displayed in many a conference, where Justinian might shine as the loudest and most subtle of the disputants; in many a sermon, which, under the name of edicts and epistles, proclaimed to the empire the theology of their master. While the Barbarians invaded the provinces, while the victorious legions marched under the banners of Belisarius and Narses, the successor of Trajan, unknown to the camp, was content to vanquish at the head of a synod. Had he invited to these synods a disinterested and rational spectator, Justinian might have learned, *that* religious controversy is the offspring of arrogance and folly; *that* true piety is most laudably expressed by silence and submission; *that* man ignorant of his own nature, should not presume to scrutinise the nature of his God; and, *that* it is sufficient for us to know, *that* power and benevolence are the perfect attributes of the Deity⁸³.

His persecu-
tion.

Toleration was not the virtue of the times, and indulgence to rebels has seldom been the virtue of princes. But when the prince descends to the narrow and peevish character of a disputant, he is easily provoked to supply the defect

of argument by the plenitude of power, and to chastise without mercy the perverse blindness of those who wilfully shut their eyes against the light of demonstration. The reign of Justinian was an uniform, yet various scene of persecution; and he appears to have surpassed his indolent predecessors, both in the contrivance of his laws and the rigour of their execution. The insufficient term of three months was assigned for the conversion or exile of all heretics⁸⁴; and if he still connived at their precarious stay, they were deprived, under his iron yoke, not only of the benefits of society, but of the common birth-right of men and Christians. At the end of four hundred years, the Montanists of Phrygia⁸⁵ still breathed the wild enthusiasm of perfection and prophecy, which they had imbibed from their male and female apostles, the special organs of the Paraclete. On the approach of the Catholic priests and soldiers, they grasped with alacrity the crown of martyrdom; the conventicle and the congregation perished in the flames, but these primitive fanatics were not extinguished three hundred years after the death of their tyrant. Under the protection of the Gothic confederates, the church of the Arians at Constantinople had braved the severity of the laws: their clergy equalled the wealth and magnificence of the senate; and the gold and silver which were seized by the rapacious hand of Justinian might perhaps be claimed as the spoils of the provinces and the trophies of the Barbarians. A secret remnant of pagans, who still lurked in the most refined and

of heretics;

of Pagans;

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the most rustic conditions of mankind, excited the indignation of the Christians, who were perhaps unwilling that any strangers should be the witnesses of their intestine quarrels. A bishop was named as the inquisitor of the faith, and his diligence soon discovered in the court and city, the magistrates, lawyers, physicians, and sophists, who still cherished the superstition of the Greeks. They were sternly informed that they must chuse without delay between the displeasure of Jupiter or Justinian, and that their aversion to the gospel could no longer be disguised under the scandalous mask of indifference or impiety. The patrician Photius perhaps alone was resolved to live and to die like his ancestors: he enfranchised himself with the stroke of a dagger, and left his tyrant the poor consolation of exposing with ignominy the lifeless corpse of the fugitive. His weaker brethren submitted to their earthly monarch, underwent the ceremony of baptism, and laboured, by their extraordinary zeal, to erase the suspicion, or to expiate the guilt, of idolatry. The native country of Homer, and the theatre of the Trojan war, still retained the last sparks of his mythology: by the care of the same bishop, seventy thousand Pagans were detected and converted in Asia, Phrygia, Lydia, and Caria; ninety-six churches were built for the new profelytes; and linen vestments, bibles, and liturgies, and vases of gold and silver, were supplied by the pious munificence of Justinian⁸⁶. The Jews, who

had been gradually stripped of their immunities, were oppressed by a vexatious law, which compelled them to observe the festival of Easter the same day on which it was celebrated by the Christians⁸⁷. And they might complain with the more reason, since the Catholics themselves did not agree with the astronomical calculations of their sovereing: the people of Constantinople delayed the beginning of their Lent a whole week after it had been ordained by authority; and they had the pleasure of fasting seven days, while meat was exposed for sale by the command of the emperor. The Samaritans of Palestine⁸⁸ of Samari-
 tans. were a motley race, an ambiguous sect, rejected as Jews by the Pagans, by the Jews as schismatics, and by the Christians as idolaters. The abomination of the cross had already been planted on their holy mount of Garizim⁸⁹, but the persecution of Justinian offered only the alternative of baptism or rebellion. They chose the latter: under the standard of a desperate leader, they rose in arms, and retaliated their wrongs on the lives, the property, and the temples of a defenceless people. The Samaritans were finally subdued by the regular forces of the East: twenty thousand were slain, twenty thousand were sold by the Arabs to the infidels of Persia and India, and the remains of that unhappy nation atoned for the crime of treason by the sin of hypocrisy. It has been computed that one hundred thousand Roman subjects were extirpated in the Samaritan war⁹⁰, which converted the once-fruitful province into a

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desolate and smoking wilderness. But in the creed of Justinian, the guilt of murder could not be applied to the slaughter of unbelievers; and he piously laboured to establish with fire and sword the unity of the Christian faith ⁹¹.

His ortho-
doxy.

With these sentiments, it was incumbent on him, at least, to be always in the right. In the first years of his administration, he signalised his zeal as the disciple and patron of orthodoxy: the reconciliation of the Greeks and Latins established the *toime* of St. Leo as the creed of the emperor and the empire; the Nestorians and Eutychians were exposed, on either side, to the double edge of persecution; and the four synods, of Nice, Constantinople, Ephesus, and *Chalcedon*, were ratified by the code of a Catholic lawgiver ⁹². But while Justinian strove to maintain the uniformity of faith and worship, his wife Theodora, whose vices were not incompatible with devotion, had listened to the Monophysite teachers; and the open or clandestine enemies of the church revived and multiplied at the smile of their gracious patroness. The capital, the palace, the nuptial bed, were torn by spiritual discord; yet so doubtful was the sincerity of the royal comforts, that their seeming disagreement was imputed by many to a secret and mischievous confederacy against the religion and happiness of their people ⁹³.

The three
chapters.

A. D.

532—698.

The famous dispute of the THREE CHAPTERS ⁹⁴, which has filled more volumes than it deserves lines, is deeply marked with this subtle and disingenuous spirit. It was now three hundred

years since the body of Origen⁹⁵ had been eaten by the worms: his soul, of which he held the pre-existence, was in the hands of its Creator, but his writings were eagerly perused by the monks of Palestine. In these writings, the piercing eye of Justinian descried more than ten metaphysical errors; and the primitive doctor, in the company of Pythagoras and Plato, was devoted by the clergy to the *eternity* of hell-fire, which he had presumed to deny. Under the cover of this precedent, a treacherous blow was aimed at the council of Chalcedon. The fathers had listened without impatience to the praise of Theodore of Mopsuestia⁹⁶: and their justice or indulgence had restored both Theodoret of Cyrrhus, and Ibas of Edessa, to the communion of the church. But the characters of these Oriental bishops were tainted with the reproach of heresy; the first had been the master, the two others were the friends, of Nestorius: their most suspicious passages were accused under the title of the *three chapters*; and the condemnation of their memory must involve the honour of a synod, whose name was pronounced with sincere or affected reverence by the Catholic world. If these bishops, whether innocent or guilty, were annihilated in the sleep of death, they would not probably be awakened by the clamour, which after an hundred years was raised over their grave. If they were already in the fangs of the daemon, their torments could neither be aggravated nor assuaged by human industry. If in the company of saints and angels they

CHAP. enjoyed the rewards of piety, they must have smiled
 XLVII. at the idle fury of the theological insects who
 still crawled on the surface of the earth. The
 foremost of these insects, the emperor of the
 Romans, darted his sting, and distilled his venom,
 perhaps without discerning the true motives of
 Theodora and her ecclesiastical faction. The
 victims were no longer subject to his power, and
 the vehement style of his edicts could only pro-
 claim their damnation, and invite the clergy of
 the East to join in a full chorus of curses and
 anathemas. The East, with some hesitation,
 consented to the voice of her sovereign: the fifth
 general council, of three patriarchs and one hun-
 dred and sixty-five bishops, was held at Constan-
 tinople; and the authors, as well as the defenders,
 of the three chapters were separated from the
 communion of the saints, and solemnly delivered
 to the prince of darkness. But the Latin churches
 were more jealous of the honour of Leo and the
 synod of Chalcedon; and if they had fought as
 they usually did under the standard of Rome,
 they might have prevailed in the cause of reason
 and humanity. But their chief was a prisoner in
 the hands of the enemy; the throne of St. Peter,
 which had been disgraced by the simony, was
 betrayed by the cowardice, of Vigilius, who
 yielded, after a long and inconsistent struggle, to
 the despotism of Justinian and the sophistry of
 the Greeks. His apostacy provoked the indigna-
 tion of the Latins, and no more than two bishops
 could be found who would impose their hands

Vth general
 council :
 Hd of Con-
 stantinople ,
 A. D. 553,
 May 4—
 June 2.

on his deacon and successor Pelagius. Yet the perseverance of the popes insensibly transferred to their adversaries the appellation of schismatics: the Illyrian, African, and Italian churches, were oppressed by the civil and ecclesiastical powers, not without some effort of military force⁹⁷; the distant Barbarians transcribed the creed of the Vatican, and in the period of a century, the schism of the three chapters expired in an obscure angle of the Venetian province⁹⁸. But the religious discontent of the Italians had already promoted the conquests of the Lombards, and the Romans themselves were accustomed to suspect the faith, and to detest the government, of their Byzantine tyrant.

Justinian was neither steady nor consistent in the nice process of fixing his volatile opinions and those of his subjects. In his youth, he was offended by the slightest deviation from the orthodox line; in his old age he transgressed the measure of temperate heresy, and the Jacobites, not less than the Catholics, were scandalized by his declaration, that the body of Christ was incorruptible, and that his manhood was never subject to any wants and infirmities, the inheritance of our mortal flesh. This *phantastic* opinion was announced in the last edicts of Justinian; and at the moment of his seasonable departure, the clergy had refused to subscribe, the prince was prepared to persecute, and the people were resolved to suffer or resist. A bishop of Treves, secure beyond the limits of his power, addressed the monarch of the East

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Heresy of
Justinian,
A. D. 564.

CHAP. XLVII. in the language of authority and affection. "Most
 " gracious Justinian, remember your baptism and
 " your creed! Let not your grey hairs be defiled
 " with heresy. Recall your fathers from exile,
 " and your followers from perdition. You cannot
 " be ignorant that Italy and Gaul, Spain and
 " Africa, already deplore your fall and anathematise
 " your name. Unless, without delay, you destroy
 " what you have taught; unless you exclaim
 " with a loud voice, I have erred, I have sinned,
 " anathema to Nestorius, anathema to Eutyches,
 " you deliver your soul to the same flames in
 " which *they* will eternally burn." He died and
 made no sign. ". His death restored in some
 degree the peace of the church, and the reigns of
 his four successors, Justin, Tiberius, Maurice,
 and Phocas, are distinguished by a rare though
 fortunate vacancy in the ecclesiastical history of
 the East. ¹⁰⁰.

The Mono-
 thelite con-
 troversy,
 A. D. 629.

The faculties of sense and reason are least capable
 of acting on themselves; the eye is most inaccessible
 to the sight, the soul to the thought; yet we
 think, and even feel, that *one will*, a sole principle
 of action, is essential to a rational and conscious
 being. When Heraclius returned from the Persian
 war, the orthodox hero consulted his bishops,
 whether the Christ whom he adored, of one
 person, but of two natures, was actuated by a
 single or a double will. They replied in the
 singular, and the emperor was encouraged to
 hope that the Jacobites of Egypt and Syria might
 be reconciled by the profession of a doctrine, most
 certainly

certainly harmless, and most probably true, since it was taught even by the Nestorians themselves¹⁰¹.

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The experiment was tried without effect, and the timid or vehement Catholics condemned even the semblance of a retreat in the presence of a subtle and audacious enemy. The orthodox (the prevailing) party devised new modes of speech, and argument, and interpretation: to either nature of Christ, they speciously applied a proper and distinct energy; but the difference was no longer visible when they allowed that the human and the divine will were invariably the same¹⁰². The disease was attended with the customary symptoms, but the Greek clergy, as if fatiate with the endless controversy of the incarnation, instilled a healing counsel into the ear of the prince and people. They declared themselves MONOTHELITES (asserters of the unity of will) but they treated the words as new, the questions as superfluous; and recommended a religious silence as the most agreeable to the prudence and charity of the gospel. This law of silence was successively imposed by the *ecthesis* or exposition of Heraclius, the type or model of his grandson Constans¹⁰³; and the Imperial edicts were subscribed with alacrity or reluctance by the four patriarchs of Rome, Constantinople, Alexandria and Antioch. But the bishop and monks of Jerusalem sounded the alarm: in the language, or even in the silence, of the Greeks, the Latin churches detected a latent heresy: and the obedience of pope Honorius to the commands of his sovereign was retracted and

The *ecthesis* of Heraclius, A. D. 639.

The type of Constans, A. D. 643.

C H A P. XLVII. censured by the bolder ignorance of his successors. They condemned the execrable and abominable heresy of the Monothelites, who revived the errors of Manes, Apollinaris, Eutyches, &c. they signed the sentence of excommunication on the tomb of St. Peter; the ink was mingled with the sacramental wine, the blood of Christ; and no ceremony was omitted that could fill the superstitious mind with horror and affright. As the representative of the western church, pope Martin and his Lateran synod anathematized the perfidious and guilty silence of the Greeks: one hundred and five bishops of Italy, for the most part the subjects of Constans, presumed to reprobate his wicked *type* and the impious *ecthesis* of his grandfather, and to confound the authors and their adherents with the twenty-one notorious heretics, the apostates from the church, and the organs of the devil. Such an insult under the tamest reign could not pass with impunity. Pope Martin ended his days on the inhospitable shore of the Tauric Cherfonesus, and his oracle, the abbot Maximus, was inhumanly chastised by the amputation of his tongue and his right-hand¹⁰⁴. But the same invincible spirit survived in their successors, and the triumph of the Latins avenged their recent defeat, and obliterated the disgrace of the three chapters. The synods of Rome were confirmed by the sixth general council of Constantinople, in the palace and the presence of a new Constantine, a descendant of Heraclius. The royal convert converted the Byzantine pontiff and a majority

VIth general
council:
IIId of Con-
stantinople,
A. D. 680,
Nov. 7—
A. D. 681,
Sept. 16.

of the bishops ¹⁰⁵; the dissenters, with their chief Macarius of Antioch, were condemned to the spiritual and temporal pains of heresy; the East condescended to accept the lessons of the West, and the creed was finally settled, which teaches the Catholics of every age, that two wills or energies are harmonised in the person of Christ. The majesty of the pope and the Roman synod was represented by two priests, one deacon, and three bishops; but these obscure Latins had neither arms to compel, nor treasures to bribe, nor language to persuade; and I am ignorant by what arts they could determine the lofty emperor of the Greeks to abjure the catechism of his infancy, and to persecute the religion of his fathers. Perhaps the monks and people of Constantinople ¹⁰⁶ were favourable to the Lateran creed, which is indeed the least reasonable of the two: and the suspicion is countenanced by the unnatural moderation of the Greek clergy, who appear in this quarrel to be conscious of their weakness. While the synod debated, a fanatic proposed a more summary decision, by raising a dead man to life: the prelates assisted at the trial, but the acknowledged failure may serve to indicate, that the passions and prejudices of the multitude were not enlisted on the side of the Monothelites. In the next generation, when the son of Constantine was deposed and slain by the disciple of Macarius, they tasted the feast of revenge and dominion: the image or monument of the sixth council was defaced, and the original acts were committed to the flames. But in the

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second year, their patron was cast headlong from the throne, the bishops of the East were released from their occasional conformity, the Roman faith was more firmly replanted by the orthodox successors of Bardanes, and the fine problems of the incarnation were forgotten in the more popular and visible quarrel of the worship of images¹⁰⁷.

Union of the
Greek and
Latin
churches.

Before the end of the seventh century, the creed of the incarnation, which had been defined at Rome and Constantinople, was uniformly preached in the remote islands of Britain and Ireland¹⁰⁸: the same ideas were entertained, or rather the same words were repeated, by all the Christians whose liturgy was performed in the Greek or the Latin tongue. Their numbers, and visible splendour, bestowed an imperfect claim to the appellation of Catholics: but in the East, they were marked with the less honourable name of *Melchites*, or Royalists¹⁰⁹; of men, whose faith, instead of resting on the basis of scripture, reason, or tradition, had been established, and was still maintained, by the arbitrary power of a temporal monarch. Their adversaries might allege the words of the fathers of Constantinople, who profess themselves the slaves of the king; and they might relate, with malicious joy, how the decrees of Chalcedon had been inspired and reformed by the emperor Marcian and his virgin bride. The prevailing faction will naturally inculcate the duty of submission, nor is it less natural that dissenters should feel and assert the principles of freedom. Under the rod of persecu-

tion, the Nestorians and Monophysites degenerated into rebels and fugitives; and the most ancient and useful allies of Rome were taught to consider the emperor not as the chief, but as the enemy, of the Christians. Language, the leading principle which unites or separates the tribes of mankind, soon discriminated the sectaries of the East, by a peculiar and perpetual badge, which abolished the means of intercourse and the hope of reconciliation. The long dominion of the Greeks, their colonies, and, above all, their eloquence, had propagated a language, doubtless the most perfect that has been contrived by the art of man. Yet the body of the people, both in Syria and Egypt, still persevered in the use of their national idioms; with this difference however, that the Coptic was confined to the rude and illiterate peasants of the Nile, while the Syriac¹¹⁰, from the mountains of Assyria to the Red Sea, was adapted to the higher topics of poetry and argument. Armenia and Abyssinia were infected by the speech or learning of the Greeks; and their Barbaric tongues, which have been revived in the studies of modern Europe, were unintelligible to the inhabitants of the Roman empire. The Syriac and the Coptic, the Armenian and the Æthiopic, are consecrated in the service of their respective churches; and their theology is enriched by domestic versions¹¹¹ both of the scriptures and of the most popular fathers. After a period of thirteen hundred and sixty years, the spark of controversy, first kindled

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Perpetual separation of the Oriental sects.

CHAP.
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by a sermon of Nestorius, still burns in the bosom of the East; and the hostile communions still maintain the faith and discipline of their founders. In the most abject state of ignorance, poverty, and servitude, the Nestorians and Monophysites reject the spiritual supremacy of Rome, and cherish the toleration of their Turkish masters, which allows them to anathematise, on one hand, St. Cyril and the synod of Ephesus; on the other, pope Leo and the council of Chalcedon. The weight which they cast into the downfall of the Eastern empire demands our notice, and the reader may be amused with the various prospect of, I. The Nestorians. II. The Jacobites ¹¹². III. The Maronites. IV. The Armenians. V. The Copts; and, VI. The Abyssinians. To the three former, the Syriac is common; but of the latter, each is discriminated by the use of a national idiom. Yet the modern natives of Armenia and Abyssinia would be incapable of conversing with their ancestors; and the Christians of Egypt and Syria, who reject the religion, have adopted the language, of the Arabians. The lapse of time has seconded the sacerdotal arts; and in the East, as well as in the West, the Deity is addressed in an obsolete tongue, unknown to the majority of the congregation.

I. THE NES-
TORIANS,

I. Both in his native and his episcopal province, the heresy of the unfortunate Nestorius was speedily obliterated. The Oriental bishops, who at Ephesus had resisted to his face the arrogance

of Cyril, were mollified by his tardy concessions. The same prelates, or their successors, subscribed, not without a murmur, the decrees of Chalcedon; the power of the Monophysites reconciled them with the Catholics in the conformity of passion, of interest, and insensibly of belief; and their last reluctant sigh was breathed in the defence of the three chapters. Their dissenting brethren, less moderate, or more sincere, were crushed by the penal laws; and as early as the reign of Justinian, it became difficult to find a church of Nestorians within the limits of the Roman empire. Beyond those limits they had discovered a new world, in which they might hope for liberty and aspire to conquest. In Persia, notwithstanding the resistance of the Magi, Christianity had struck a deep root, and the nations of the East reposed under its salutary shade. The *catholic*, or primate, resided in the capital: in *his* synods, and in *their* dioceses, his metropolitans, bishops, and clergy, represented the pomp and order of a regular hierarchy: they rejoiced in the increase of proselytes, who were converted from the Zendavesta to the Gospel, from the secular to the monastic life; and their zeal was stimulated by the presence of an artful and formidable enemy. The Persian church had been founded by the missionaries of Syria; and their language, discipline, and doctrine, were closely interwoven with its original frame. The *catholics* were elected and ordained by their own suffragans; but their filial dependence on the patriarchs

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CHAP. of Antioch is attested by the canons of the
 XLVII. Oriental church ¹¹³. In the Persian school of
 Edessa ¹¹⁴, the rising generations of the faithful
 imbibed their theological idiom; they studied in
 the Syriac version the ten thousand volumes of
 Theodore of Mopsuestia, and they revered the
 apostolic faith and holy martyrdom of his disci-
 ple Nestorius, whose person and language were
 equally unknown to the nations beyond the
 Tigris. The first indelible lesson of Ibas bishop
 of Edessa, taught them to execrate the *Egyptians*,
 who, in the synod of Ephesus, had impiously
 confounded the two natures of Christ. The flight
 of the masters and scholars, who were twice
 expelled from the Athens of Syria, dispersed a
 crowd of missionaries inflamed by the double
 zeal of religion and revenge. And the rigid
 unity of the Monophysites, who, under the
 reigns of Zeno and Anastasius, had invaded the
 thrones of the East, provoked their antagonists,
 in a land of freedom, to avow a moral, rather
 than a physical, union of the two persons of
 Christ. Since the first preaching of the gospel,
 the Saffanian kings beheld with an eye of
 suspicion, a race of aliens and apostates, who
 had embraced the religion, and who might
 favour the cause, of the hereditary foes of
 their country. The royal edicts had often pro-
 hibited their dangerous correspondence with the
 Syrian clergy; the progress of the schism was
 grateful to the jealous pride of Perozes, and he
 listened to the eloquence of an artful prelate, who

painted Nestorius as the friend of Persia, and urged him to secure the fidelity of his Christian subjects, by granting a just preference to the victims and enemies of the Roman tyrant. The Nestorians composed a large majority of the clergy and people: they were encouraged by the smile, and armed with the sword, of despotism; yet many of their weaker brethren were startled at the thought of breaking loose from the communion of the Christian world, and the blood of seven thousand seven hundred Monophysites or Catholics, confirmed the uniformity of faith and discipline in the churches of Persia¹¹⁵. Their ecclesiastical institutions are distinguished by a liberal principle of reason, or at least of policy: the austerity of the cloyster was relaxed and gradually forgotten; houses of charity were endowed for the education of orphans and foundlings; the law of celibacy, so forcibly recommended to the Greeks and Latins, was disregarded by the Persian clergy; and the number of the elect was multiplied by the public and reiterated nuptials of the priests, the bishops, and even the patriarch himself. To this standard of natural and religious freedom, myriads of fugitives resorted from all the provinces of the Eastern empire: the narrow bigotry of Justinian was punished by the emigration of his most industrious subjects; they transported into Persia the arts both of peace and war: and those who deserved the favour, were promoted in the service, of a discerning monarch. The arms of Nushirvan and his fiercer grandson, were assisted with advice, and money, and troops,

sole masters
of Persia,
A. D. 500,
&c.

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by the desperate sectaries who still lurked in their native cities of the East; their zeal was rewarded with the gift of the Catholic churches: but when those cities and churches were recovered by Heraclius, their open profession of treason and heresy compelled them to seek a refuge in the realm of their foreign ally. But the seeming tranquillity of the Nestorians was often endangered, and sometimes overthrown. They were involved in the common evils of Oriental despotism: their enmity to Rome could not always atone for their attachment to the gospel: and a colony of three hundred thousand Jacobites, the captives of Apamea and Antioch, was permitted to erect an hostile altar in the face of the *catholic*, and in the sunshine of the court. In his last treaty, Justinian introduced some conditions which tended to enlarge and fortify the toleration of Christianity in Persia. The emperor, ignorant of the rights of conscience, was incapable of pity or esteem for the heretics who denied the authority of the holy synods: but he flattered himself that they would gradually perceive the temporal benefits of union with the empire and the church of Rome; and if he failed in exciting their gratitude, he might hope to provoke the jealousy of their sovereign. In a later age, the Lutherans have been burnt at Paris and protected in Germany, by the superstition and policy of the most Christian king.

Their mis-
sions in Tar-
tary, India,
China, &c.

The desire of gaining souls for God, and subjects for the church, has excited in every age the diligence of the Christian priests. From the conquest

of Persia they carried their spiritual arms to the north, the east, and the south; and the simplicity of the gospel was fashioned and painted with the colours of the Syriac theology. In the sixth century, according to the report of a Nestorian traveller ¹¹⁶, Christianity was successfully preached to the Bactrians, the Huns, the Persians, the Indians, the Persarmenians, the Medes, and the Elamites; the Barbaric churches, from the gulf of Persia to the Caspian sea, were almost infinite; and their recent faith was conspicuous in the number and sanctity of their monks and martyrs. The pepper coast of Malabar, and the isles of the ocean, Socotora and Ceylan, were peopled with an encreasing multitude of Christians, and the bishops and clergy of those sequestered regions derived their ordination from the catholic of Babylon. In a subsequent age, the zeal of the Nestorians overleaped the limits which had confined the ambition and curiosity both of the Greeks and Persians. The missionaries of Balch and Samarcand pursued without fear the footsteps of the roving Tartar, and insinuated themselves into the camps of the vallies of Imaus and the banks of the Selinga. They exposed a metaphysical creed to those illiterate shepherds: to those sanguinary warriors, they recommended humanity and repose. Yet a khan, whose power they vainly magnified, is said to have received at their hands the rites of baptism, and even of ordination; and the fame of *Prefter* or *Presbyter* John ¹¹⁷ has long amused the credulity of Europe. The royal convert was indulged in

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A. D.

500—1200.

CHAP. the use of a portable altar; but he dispatched an
 XLVII. embassy to the patriarch, to enquire how, in the
 season of Lent, he should abstain from animal
 food, and how he might celebrate the eucharist in
 a desert that produced neither corn nor wine. In
 their progress by sea and land, the Nestorians
 entered China by the port of Canton and the
 northern residence of Sigan. Unlike the senators
 of Rome, who assumed with a smile the characters
 of priests and augurs, the mandarins, who affect
 in public the reason of philosophers, are devoted
 in private to every mode of popular superstition.
 They cherished and they confounded the gods of
 Palestine and of India; but the propagation of
 Christianity awakened the jealousy of the state,
 and after a short vicissitude of favour and per-
 secution, the foreign sect expired in ignorance and
 oblivion ¹¹⁸. Under the reign of the caliphs, the
 Nestorian church was diffused from China to Jeru-
 salem and Cyprus; and their numbers, with those
 of the Jacobites, were computed to surpass the
 Greek and Latin communions ¹¹⁹. Twenty-five
 metropolitans or archbishops composed their hie-
 rarchy, but several of these were dispensed, by
 the distance and danger of the way, from the duty
 of personal attendance, on the easy condition
 that every six years they should testify their faith
 and obedience to the *catholic* or patriarch of Babylon,
 a vague appellation, which has been successively
 applied to the royal seats of Seleucia, Ctesiphon,
 and Bagdad. These remote branches are long
 since withered, and the old patriarchal trunk ¹²⁰.

is now divided by the *Elijahs* of Mosul, the representatives, almost in lineal descent, of the genuine and primitive succession, the *Josephs* of Amida, who are reconciled to the church of Rome¹²¹, and the *Simeons* of Van or Ormia, whose revolt, at the head of forty thousand families, was promoted in the sixteenth century by the Sophis of Persia. The number of three hundred thousand is allowed for the whole body of the Nestorians, who, under the name of Chaldæans or Assyrians, are confounded with the most learned or the most powerful nation of Eastern antiquity.

According to the legend of antiquity, the gospel was preached in India by St. Thomas¹²². At the end of the ninth century, his shrine, perhaps in the neighbourhood of Madras, was devoutly visited by the ambassadors of Alfred, and their return with a cargo of pearls and spices rewarded the zeal of the English monarch, who entertained the largest projects of trade and discovery¹²³. When the Portuguese first opened the navigation of India, the Christians of St. Thomas had been seated for ages on the coast of Malabar, and the difference of their character and colour attested the mixture of a foreign race. In arms, in arts, and possibly in virtue, they excelled the natives of Hindostan: the husbandmen cultivated the palm-tree, the merchants were enriched by the pepper trade, the soldiers preceded the *nairs* or nobles of Malabar, and their hereditary privileges were respected by the gratitude or the fear of the king of Cochin and the Zamorin himself. They acknowledged a

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The Christians of St. Thomas in India, A. D. 883.

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A. D. 1500,
&c.

Gentoo sovereign, but they were governed, even in temporal concerns, by the bishop of Angamala. He still asserted his ancient title of metropolitan of India, but his real jurisdiction was exercised in fourteen hundred churches, and he was entrusted with the care of two hundred thousand souls. Their religion would have rendered them the firmest and most cordial allies of the Portuguese, but the inquisitors soon discerned in the Christians of St. Thomas the unpardonable guilt of heresy and schism. Instead of owning themselves the subjects of the Roman pontiff, the spiritual and temporal monarch of the globe, they adhered, like their ancestors, to the communion of the Nestorian patriarch; and the bishops whom he ordained at Mosul, traversed the dangers of the sea and land to reach their diocese on the coast of Malabar. In their Syriac liturgy, the names of Theodore and Nestorius were piously commemorated; they united their adoration of the two persons of Christ; the title of Mother of God was offensive to their ear, and they measured with scrupulous avarice the honours of the Virgin Mary, whom the superstition of the Latins had *almost* exalted to the rank of a Goddess. When her image was first presented to the disciples of St. Thomas, they indignantly exclaimed, "We are Christians, not idolaters!" and their simple devotion was content with the veneration of the cross. Their separation from the western world had left them in ignorance of the improvements or corruptions of a thousand years; and their conformity with the faith and practice

of the fifth century, would equally disappoint the prejudices of a papist or a protestant, It was the first care of the ministers of Rome to intercept all correspondence with the Nestorian patriarch, and several of his bishops expired in the prisons of the holy office. The flock, without a shepherd, was assaulted by the power of the Portuguese, the arts of the Jesuits, and the zeal of Alexis de Menezes archbishop of Goa, in his personal visitation of the coast of Malabar. The synod of Diamper, at which he presided, consummated the pious work of the reunion, and rigorously imposed the doctrine and discipline of the Roman church, without forgetting auricular confession, the strongest engine of ecclesiastical torture. The memory of Theodore and Nestorius was condemned, and Malabar was reduced under the dominion of the pope, of the primate, and of the Jesuits who invaded the see of Angamala or Cranganor. Sixty years of servitude and hypocrisy were patiently endured; but as soon as the Portuguese empire was shaken by the courage and industry of the Dutch, the Nestorians asserted, with vigour and effect, the religion of their fathers. The Jesuits were incapable of defending the power which they had abused: the arms of forty thousand Christians were pointed against their falling tyrants; and the Indian archdeacon assumed the character of bishop, till a fresh supply of episcopal gifts and Syrian missionaries could be obtained from the patriarch of Babylon. Since the expulsion of the Portuguese, the Nestorian creed is freely professed on the coast

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of Malabar. The trading companies of Holland and England are the friends of toleration; but if oppression be less mortifying than contempt, the Christians of St. Thomas have reason to complain of the cold and silent indifference of their brethren of Europe ¹²⁴.

II. THE JACOBITES.

II. The history of the Monophysites is less copious and interesting than that of the Nestorians. Under the reigns of Zeno and Anastasius, their artful leaders surprised the ear of the prince, usurped the thrones of the East, and crushed on its native soil the school of the Syrians. The rule of the Monophysite faith was defined with exquisite discretion by Severus patriarch of Antioch; he condemned, in the style of the Henoticon, the adverse heresies of Nestorius and Eutyches, maintained against the latter the reality of the body of Christ, and constrained the Greeks to allow that he was a liar who spoke truth ¹²⁵. But the approximation of ideas could not abate the vehemence of passion; each party was the more astonished that their blind antagonist could dispute on so trifling a difference; the tyrant of Syria enforced the belief of his creed, and his reign was polluted with the blood of three hundred and fifty monks, who were slain, not perhaps without provocation or resistance, under the walls of Apamea ¹²⁶. The successor of Anastasius replanted the orthodox standard in the East: Severus fled into Egypt; and his friend, the eloquent Xenaias ¹²⁷, who had escaped from the Nestorians of Persia, was suffocated in his exile by the Melchites

A. D. 518.

Melchites of Paphlagonia. Fifty-four bishops were swept from their thrones, eight hundred ecclesiastics were cast into prison¹²⁸, and notwithstanding the ambiguous favour of Theodora, the Oriental flocks, deprived of their shepherds, must insensibly have been either famished or poisoned. In this spiritual distress, the expiring faction was revived, and united, and perpetuated, by the labours of a monk; and the name of James Baradaeus¹²⁹ has been preserved in the appellation of *Jacobites*, a familiar sound which may startle the ear of an English reader. From the holy confessor in their prison of Constantinople, he received the powers of bishop of Edessa and apostle of the East, and the ordination of fourscore thousand bishops, priests, and deacons, is derived from the same inexhaustible source. The speed of the zealous missionary was promoted by the fleetest dromedaries of a devout chief of the Arabs; the doctrine and discipline of the Jacobites were secretly established in the dominions of Justinian; and each Jacobite was compelled to violate the laws and to hate the Roman legislator. The successors of Severus, while they lurked in convents or villages, while they sheltered their proscribed heads in the caverns of hermits, or the tents of the Saracens, still asserted, as they now assert, their indefeasible right to the title, the rank, and the prerogatives of patriarch of Antioch: under the milder yoke of the infidels, they reside about a league from Merdin, in the pleasant monastery of Zapharan, which they have embel-

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lished with cells, aqueducts, and plantations. The secondary, though honourable place, is filled by the *maphrian*, who, in his station at Mosul itself, defies the Nestorian catholic with whom he contests the primacy of the East. Under the patriarch and the maphrian, one hundred and fifty archbishops and bishops have been counted in the different ages of the Jacobite church; but the order of the hierarchy is relaxed or dissolved, and the greater part of their dioceses is confined to the neighbourhood of the Euphrates and the Tigris. The cities of Aleppo and Amida, which are often visited by the patriarch, contain some wealthy merchants and industrious mechanics, but the multitude derive their scanty sustenance from their daily labour: and poverty, as well as superstition, may impose their excessive fasts; five annual lents, during which, both the clergy and laity abstain not only from flesh or eggs, but even from the taste of wine, of oil, and of fish. Their present numbers are esteemed from fifty to fourscore thousand souls, the remnant of a populous church, which has gradually decreased under the oppression of twelve centuries. Yet in that long period, some strangers of merit have been converted to the Monophysite faith, and a Jew was the father of Abulpharagius¹³⁰ primate of the East, so truly eminent both in his life and death. In his life, he was an elegant writer of the Syriac and Arabic tongues, a poet, physician, and historian, a subtle philosopher, and a moderate divine. In his death, his funeral was

attended by his rival the Nestorian patriarch, with a train of Greeks and Armenians, who forgot their disputes, and mingled their tears over the grave of an enemy. The sect which was honoured by the virtues of Abulpharagius appears, however, to sink below the level of their Nestorian brethren. The superstition of the Jacobites is more abject, their fasts more rigid¹³¹, their intestine divisions are more numerous, and their doctors (as far as I can measure the degrees of nonsense) are more remote from the precincts of reason. Something may possibly be allowed for the rigour of the Monophysite theology; much more for the superior influence of the monastic order. In Syria, in Egypt, in Æthiopia, the Jacobite monks have ever been distinguished by the austerity of their penance and the absurdity of their legends. Alive or dead they are worshipped as the favourites of the Deity; the crossier of bishop and patriarch is reserved for their venerable hands; and they assume the government of men, while they are yet reeking with the habits and prejudices of the cloyster¹³².

III. In the style of the Oriental Christians, the Monothelites of every age are described under the appellation of *Maronites*¹³³, a name which has been insensibly transferred from an hermit to a monastery, from a monastery to a nation. Maron, a saint or savage of the fifth century, displayed his religious madness in Syria; the rival cities of Apamea and Emesa disputed his relics, a stately church was erected on his tomb, and six hundred

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III. THE
MARON-
ITES.

C H A P. of his disciples united their solitary cells on the
 XLVII. banks of the Orontes. In the controversies of
 the incarnation, they nicely threaded the ortho-
 dox line between the sects of Nestorius and
 Eutyches; but the unfortunate question of *one*
will or operation in the two natures of Christ,
 was generated by their curious leisure. Their
 profelyte, the emperor Heraclius, was rejected
 as a Maronite from the walls of Emesa; he found
 a refuge in the monastery of his brethren; and
 their theological lessons were repaid with the
 gift of a spacious and wealthy domain. The
 name and doctrine of this venerable school were
 propagated among the Greeks and Syrians, and
 their zeal is expressed by Macarius patriarch of
 Antioch, who declared before the synod of Con-
 stantinople, that sooner than subscribe the *two*
wills of Christ, he would submit to be hewn
 piece-meal and cast into the sea ¹³⁴. A similar or
 a less cruel mode of persecution soon converted
 the unresisting subjects of the plain, while the
 glorious title of *Mardaites* ¹³⁵, or rebels, was
 bravely maintained by the hardy natives of mount
 Libanus. John Maron, one of the most learned
 and popular of the monks, assumed the character
 of patriarch of Antioch; his nephew Abraham,
 at the head of the Maronites, defended their
 civil and religious freedom against the tyrants of
 the East. The son of the orthodox Constantine
 pursued, with pious hatred, a people of soldiers,
 who might have stood the bulwark of his em-
 pire against the common foes of Christ and of

Rome. An army of Greeks invaded Syria; the monastery of St. Maron was destroyed with fire; the bravest chieftains were betrayed and murdered, and twelve thousand of their followers were transplanted to the distant frontiers of Armenia and Thrace. Yet the humble nation of the Maronites has survived the empire of Constantinople, and they still enjoy, under their Turkish masters, a free religion and a mitigated servitude. Their domestic governors are chosen among the ancient nobility; the patriarch in his monastery of Canobin, still fancies himself on the throne of Antioch; nine bishops compose his synod, and one hundred and fifty priests, who retain the liberty of marriage, are entrusted with the care of one hundred thousand souls. Their country extends from the ridge of mount Libanus to the shores of Tripoli; and the gradual descent affords, in a narrow space, each variety of soil and climate, from the Holy Cedars, erect under the weight of snow ¹³⁶, to the vine, the mulberry, and the olive trees of the fruitful valley. In the twelfth century, the Maronites, abjuring the Monothelite error, were reconciled to the Latin churches of Antioch and Rome ¹³⁷, and the same alliance has been frequently renewed by the ambition of the popes and the distress of the Syrians. But it may reasonably be questioned, whether their union has ever been perfect or sincere; and the learned Maronites of the college of Rome have vainly laboured to absolve their ancestors from the guilt of heresy and schism ¹³⁸.

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IV. THE
ARMENI-
ANS.

IV. Since the age of Constantine, the ARME-
NIANS ¹³⁹ had signalised their attachment to the
religion and empire of the Christians. The disor-
ders of their country, and their ignorance of the
Greek tongue, prevented their clergy from assist-
ing at the synod of Chalcedon, and they floated
eighty-four years ¹⁴⁰ in a state of indifference or
suspense, till their vacant faith was finally oc-
cupied by the missionaries of Julian of Halicar-
nassus ¹⁴¹, who in Egypt, their common exile,
had been vanquished by the arguments or the
influence of his rival Severus, the Monophysite
patriarch of Antioch. The Armenians alone are
the pure disciples of Eutyches, an unfortunate
parent, who has been renounced by the greater
part of his spiritual progeny. They alone per-
severe in the opinion, that the manhood of Christ
was created, or existed without creation, of a
divine and incorruptible substance. Their adver-
saries reproach them with the adoration of a
phantom; and they retort the accusation, by
deriding or execrating the blasphemy of the Ja-
cobites, who impute to the Godhead the vile
infirmities of the flesh, even the natural effects of
nutrition and digestion. The religion of Armenia
could not derive much glory from the learning
or the power of its inhabitants. The royalty expired
with the origin of their schism, and their Christian
kings, who arose and fell in the thirteenth cen-
tury on the confines of Cilicia, were the clients, of
the Latins and the vassals of the Turkish sultan
of Iconium. The helpless nation has seldom been

permitted to enjoy the tranquillity of servitude. From the earliest period to the present hour, Armenia has been the theatre of perpetual war; the lands between Tauris and Erivan were dispeopled by the cruel policy of the Sophies; and myriads of Christian families were transplanted, to perish or to propagate in the distant provinces of Persia. Under the rod of oppression, the zeal of the Armenians is fervent and intrepid: they have often preferred the crown of martyrdom to the white turban of Mahomet; they devoutly hate the error and idolatry of the Greeks; and their transient union with the Latins is not less devoid of truth, than the thousand bishops whom their patriarch offered at the feet of the Roman pontiff¹⁴². The *catholic* or patriarch of the Armenians resides in the monastery of Ekmiasin, three leagues from Erivan. Forty-seven archbishops, each of whom may claim the obedience of four or five suffragans, are consecrated by his hand; but the far greater part are only titular prelates, who dignify with their presence and service the simplicity of his court. As soon as they have performed the liturgy, they cultivate the garden; and our bishops will hear with surprise, that the austerity of their life encreases in just proportion to the elevation of their rank. In the fourscore thousand towns or villages of his spiritual empire, the patriarch receives a small and voluntary tax from each person above the age of fifteen; but the annual amount of six hundred thousand crowns is insufficient to supply

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the incessant demands of charity and tribute. Since the beginning of the last century, the Armenians have obtained a large and lucrative share of the commerce of the East: in their return from Europe, the caravan usually halts in the neighbourhood of Erivan, the altars are enriched with the fruits of their patient industry; and the faith of Eutyches is preached in their recent congregations of Barbary and Poland ¹⁴³.

V. THE
COPTS OR
EGYPTIANS.

V. In the rest of the Roman empire, the despotism of the prince might eradicate or silence the sectaries of an obnoxious creed. But the stubborn temper of the Egyptians maintained their opposition to the synod of Chalcedon, and the policy of Justinian condescended to expect and to seize the opportunity of discord. The Monophysite church of Alexandria ¹⁴⁴ was torn by the disputes of the *corruptibles* and *incorruptibles*, and on the death of the patriarch, the two factions upheld their respective candidates ¹⁴⁵. Gaian was the disciple of Julian, Theodosius had been the pupil of Severus: the claims of the former were supported by the consent of the monks and senators, the city and the province; the latter depended on the priority of his ordination, the favour of the empress Theodora, and the arms of the eunuch Narses, which might have been used in more honourable warfare. The exile of the popular candidate to Carthage and Sardinia, inflamed the ferment of Alexandria; and after a schism of one hundred and seventy years, the *Gaianites* still revered the memory and

The patriarch Theodosius,

A. D.

537—568.

doctrine of their founder. The strength of numbers and of discipline was tried in a desperate and bloody conflict, the streets were filled with the dead bodies of citizens and soldiers; the pious women, ascending the roofs of their houses, showered down every sharp or ponderous utensil on the heads of the enemy; and the final victory of Narses was owing to the flames, with which he wasted the third capital of the Roman world. But the lieutenant of Justinian had not conquered in the cause of an heretic; Theodosius himself was speedily though gently removed; and Paul of Tanis, an orthodox monk, was raised to the throne of Athanasius. The powers of government were strained in his support; he might appoint or displace the dukes and tribunes of Egypt; the allowance of bread which Diocletian had granted, was suppressed, the churches were shut, and a nation of schismatics was deprived at once of their spiritual and carnal food. In his turn, the tyrant was excommunicated by the zeal and revenge of the people; and none except his fervile Melchites would salute him as a man, a Christian, or a bishop. Yet such is the blindness of ambition, that, when Paul was expelled on a charge of murder, he solicited, with a bribe of seven hundred pounds of gold, his restoration to the same station of hatred and ignominy. His successor Apollinaris entered the hostile city in military array, alike qualified for prayer or for battle. His troops, under arms, were distributed through the streets; the gates

Paul,

A. D. 538.

Apollinaris,

A. D. 551.

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of the cathedral were guarded, and a chosen band was stationed in the choir to defend the person of their chief. He stood erect on his throne, and throwing aside the upper garment of a warrior, suddenly appeared before the eyes of the multitude in the robes of patriarch of Alexandria. Astonishment held them mute; but no sooner had Apollinaris begun to read the tome of St. Leo, than a volley of curses, and invectives, and stones, assaulted the odious minister of the emperor and the synod. A charge was instantly founded by the successor of the apostles; the soldiers waded to their knees in blood; and two hundred thousand Christians are said to have fallen by the sword: an incredible account, even if it be extended from the slaughter of a day to the eighteen years of the reign of Apollinaris. Two succeeding patriarchs, Eulogius¹⁴⁶ and John¹⁴⁷, laboured in the conversion of heretics, with arms and arguments more worthy of their evangelical profession. The theological knowledge of Eulogius was displayed in many a volume, which magnified the errors of Eutyches and Severus, and attempted to reconcile the ambiguous language of St. Cyril with the orthodox creed of pope Leo and the fathers of Chalcedon. The bounteous alms of John the elemosynary were dictated by superstition, or benevolence, or policy. Seven thousand five hundred poor were maintained at his expence; on his accession, he found eight thousand pounds of gold in the treasury of the church; he collected ten

Eulogius,
A. D. 580.

John,
A. D. 606.

thousand from the liberality of the faithful; yet the primate could boast in his testament, that he left behind him no more than the third part of the smallest of the silver coins. The churches of Alexandria were delivered to the Catholics, the religion of the Monophysites was proscribed in Egypt, and a law was revived which excluded the natives from the honours and emoluments of the state.

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A more important conquest still remained, of the patriarch, the oracle and leader of the Egyptian church. Theodosius had resisted the threats and promises of Justinian with the spirit of an apostle or an enthusiast. "Such," replied the patriarch, "were the offers of the tempter when he shewed the kingdoms of the earth. But my soul is far dearer to me than life or dominion. The churches are in the hands of a prince who can kill the body; but my conscience is my own; and in exile, poverty, or chains, I will stedfastly adhere to the faith of my holy predecessors, Athanasius, Cyril, and Dioscorus. Anathema to the tome of Leo and the synod of Chalcedon! Anathema to all who embrace their creed! Anathema to them now and for evermore! Naked came I out of my mother's womb, naked shall I descend into the grave. Let those who love God, follow me and seek their salvation." After comforting his brethren, he embarked for Constantinople, and sustained, in six successive interviews, the almost irresistible weight of the royal presence. His opinions were

Their separation and decay.

C H A P. XLVII. favourably entertained in the palace and the city ;
 the influence of Theodora assured him a safe
 conduct and honourable dismissal ; and he ended
 his days , though not on the throne , yet in the
 bosom , of his native country. On the news of
 his death , Apollinaris indecently feasted the
 nobles and the clergy ; but his joy was checked
 by the intelligence of a new election ; and while
 he enjoyed the wealth of Alexandria , his rivals
 reigned in the monasteries of Thebais , and were
 maintained by the voluntary oblations of the
 people. A perpetual succession of patriarchs arose
 from the ashes of Theodosius ; and the Monophy-
 site churches of Syria and Egypt were united by
 the name of Jacobites and the communion of the
 faith. But the same faith , which has been con-
 fined to a narrow sect of the Syrians , was diffus-
 ed over the mass of the Egyptian or Coptic
 nation ; who , almost unanimously , rejected the
 decrees of the synod of Chalcedon. A thousand
 years were now elapsed since Egypt had ceased
 to be a kingdom , since the conquerors of Asia
 and Europe had trampled on the ready necks of
 a people , whose ancient wisdom and power
 ascends beyond the records of history. The
 conflict of zeal and persecution rekindled some
 sparks of their national spirit. They abjured ,
 with a foreign heresy , the manners and language
 of the Greeks : every Melchite , in their eyes ,
 was a stranger , every Jacobite a citizen , the
 alliance of marriage , the offices of humanity ,
 were condemned as a deadly sin ; the natives

renounced all allegiance to the emperor; and his orders, at a distance from Alexandria, were obeyed only under the pressure of military force. A generous effort might have redeemed the religion and liberty of Egypt, and her six hundred monasteries might have poured forth their myriads of holy warriors, for whom death should have no terrors, since life had no comfort or delight. But experience has proved the distinction of active and passive courage; the fanatic who endures without a groan the torture of the rack or the stake, would tremble and fly before the face of an armed enemy. The pusillanimous temper of the Egyptians could only hope for a change of masters; the arms of Chosroes depopulated the land, yet under his reign the Jacobites enjoyed a short and precarious respite. The victory of Heraclius renewed and aggravated the persecution, and the patriarch again escaped from Alexandria to the desert. In his flight, Benjamin was encouraged by a voice, which bad him expect, at the end of ten years, the aid of a foreign nation, marked like the Egyptians themselves with the ancient rite of circumcision. The character of these deliverers, and the nature of the deliverance, will be hereafter explained; and I shall step over the interval of eleven centuries to observe the present misery of the Jacobites of Egypt. The populous city of Cairo affords a residence or rather a shelter for their indigent patriarch, and a remnant of ten bishops: forty monasteries have survived the inroads of the

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Benjamin,
the Jacobite
patriarch,
A. D.
625 — 661.

C H A P. XLVII. Arabs; and the progress of servitude and apostasy have reduced the Coptic nation to the despicable number of twenty-five or thirty thousand families ¹⁴⁸; a race of illiterate beggars, whose only consolation is derived from the superior wretchedness of the Greek patriarch and his diminutive congregation ¹⁴⁹.

VI. THE
ABYSSINI-
ANS AND
NUBIANS.

VI. The Coptic patriarch, a rebel to the Cæsars, or a slave to the khalifs, still gloried in the filial obedience of the kings of Nubia and Æthiopia. He repaid their homage by magnifying their greatness; and it was boldly asserted that they could bring into the field an hundred thousand horse, with an equal number of camels ¹⁵⁰; that their hand could pour or restrain the waters of the Nile ¹⁵¹; and the peace and plenty of Egypt was obtained, even in this world, by the intercession of the patriarch. In exile at Constantinople, Theodosius recommended to his patroness the conversion of the black nations of Nubia ¹⁵², from the tropic of Cancer to the confines of Abyssinia. Her design was suspected and emulated by the more orthodox emperor. The rival missionaries, a Melchite and a Jacobite, embarked at the same time; but the empress, from a motive of love or fear, was more effectually obeyed: and the Catholic priest was detained by the president of Thebais, while the king of Nubia and his court were hastily baptised in the faith of Dioscorus. The tardy envoy of Justinian was received and dismissed with honour; but when he accused the heresy and treason of the Egyptians, the negro convert was instructed to reply that he would never abandon his brethren

the true believers, to the persecuting ministers of the synod of Chalcedon ¹⁵³. During several ages, the bishops of Nubia were named and consecrated by the Jacobite patriarch of Alexandria: as late as the twelfth century, Christianity prevailed; and some rites, some ruins, are still visible in the savage towns of Sennar and Dongola ¹⁵⁴. But the Nubians at length executed their threats of returning to the worship of idols; the climate required the indulgence of polygamy, and they have finally preferred the triumph of the Koran to the abasement of the Cross. A metaphysical religion may appear too refined for the capacity of the negro race: yet a black or a parrot might be taught to repeat the words of the Chalcedonian or Monophysite creed.

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Christianity was more deeply rooted in the Abyssinian empire; and although the correspondence has been sometimes interrupted above seventy or an hundred years, the mother-church of Alexandria retains her colony in a state of perpetual pupillage. Seven bishops once composed the Æthiopic synod: had their number amounted to ten, they might have elected an independent primate, and one of their kings was ambitious of promoting his brother to the ecclesiastical throne. But the event was foreseen, the encrease was denied; the episcopal office has been gradually confined to the *abuna* ¹⁵⁵, the head and author of the Abyssinian priesthood; the patriarch supplies each vacancy with an Egyptian monk; and the character of a stranger appears more venerable in

Church of
Abyssinia,
A. D. 530.
&c.

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The Portu-
guese in
Abyssinia,
A. D.
1525—1550,
&c.

the eyes of the people, less dangerous in those of the monarch. In the sixth century, when the schism of Egypt was confirmed, the rival chiefs, with their patrons, Justinian and Theodora, strove to outstrip each other in the conquest of a remote and independent province. The industry of the empress was again victorious, and the pious Theodora has established in that sequestered church the faith and discipline of the Jacobites ¹⁵⁶. Encompassed on all sides by the enemies of their religion, the Æthiopians slept near a thousand years, forgetful of the world, by whom they were forgotten. They were awakened by the Portuguese, who, turning the southern promontory of Africa, appeared in India and the Red Sea, as if they had descended through the air from a distant planet. In the first moments of their interview, the subjects of Rome and Alexandria observed the resemblance, rather than the difference, of their faith; and each nation expected the most important benefits from an alliance with their Christian brethren. In their lonely situation, the Æthiopians had almost relapsed into the savage life. Their vessels, which had traded to Ceylon, scarcely presumed to navigate the rivers of Africa; the ruins of Axume were deserted, the nation was scattered in villages, and the emperor, a pompous name, was content, both in peace and war, with the immoveable residence of a camp. Conscious of their own indigence, the Abyssinians had formed the rational project of importing the arts and ingenuity of Europe ¹⁵⁷; and their ambassadors at
Rome

Rome and Lisbon were instructed to solicit a colony of smiths, carpenters, tilers, masons, printers, surgeons, and physicians, for the use of their country. But the public danger soon called for the instant and effectual aid of arms and soldiers, to defend an unwarlike people from the Barbarians who ravaged the inland country, and the Turks and Arabs who advanced from the sea-coast in more formidable array. Æthiopia was saved by four hundred and fifty Portuguese, who displayed in the field the native valour of Europeans, and the artificial powers of the musquet and cannon. In a moment of terror, the emperor had promised to reconcile himself and his subjects to the Catholic faith; a Latin patriarch represented the supremacy of the pope¹⁵⁸; the empire, enlarged in a tenfold proportion, was supposed to contain more gold than the mines of America; and the wildest hopes of avarice and zeal were built on the willing submission of the Christians of Africa.

But the vows which pain had extorted, were forsworn on the return of health. The Abyssinians still adhered with unshaken constancy to the Monophysite faith; their languid belief was inflamed by the exercise of dispute; they branded the Latins with the names of Arians and Nestorians, and imputed the adoration of *four* gods, to those who separated the two natures of Christ. Fremona, a place of worship, or rather of exile, was assigned to the Jesuit missionaries. Their skill in the liberal and mechanic arts, their theological learning and the decency of their manners, inspired a barren

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Mission of
the Jesuits,
A. D. 1557.

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Conversion
of the em-
peror,
A. D. 1626.

esteem; but they were not endowed with the gift of miracles¹⁵⁹, and they vainly solicited a reinforcement of European troops. The patience and dexterity of forty years, at length obtained a more favourable audience, and two emperors of Abyssinia were persuaded that Rome could ensure the temporal and everlasting happiness of her votaries. The first of these royal converts lost his crown and his life; and the rebel army was sanctified by the *abuna*, who hurled an anathema at the apostate, and absolved his subjects from their oath of fidelity. The fate of Zadengher was revenged by the courage and fortune of Susneus, who ascended the throne under the name of Segued, and more vigorously prosecuted the pious enterprise of his kinsman. After the amusement of some unequal combats between the Jesuits and his illiterate priests, the emperor declared himself a profelyte to the synod of Chalcedon, presuming that his clergy and people would embrace without delay the religion of their prince. The liberty of choice was succeeded by a law, which imposed, under pain of death, the belief of the two natures of Christ: the Abyssinians were enjoined to work and to play on the Sabbath; and Segued, in the face of Europe and Africa, renounced his connection with the Alexandrian church. A Jesuit, Alphonso Mendez, the Catholic patriarch of Ethiopia, accepted in the name of Urban VIII. the homage and abjuration of his penitent. "I confess," said the emperor on his knees, "I confess that the pope is the vicar of Christ, the successor of

“ St. Peter, and the sovereign of the world. To
 “ him I swear true obedience, and at his feet I
 “ offer my person and kingdom ”. A similar
 oath was repeated by his son, his brother, the
 clergy, the nobles, and even the ladies of the
 court: the Latin patriarch was invested with ho-
 nours and wealth; and his missionaries erected
 their churches or citadels in the most convenient
 stations of the empire. The Jesuits themselves de-
 plore the fatal indiscretion of their chief, who
 forgot the mildness of the gospel and the policy
 of his order, to introduce with hasty violence the
 liturgy of Rome and the inquisition of Portugal.
 He condemned the ancient practice of circumci-
 sion, which health rather than superstition had first
 invented in the climate of *Æthiopia*^{16°}. A new bap-
 tism, a new ordination was inflicted on the nati-
 ves; and they trembled with horror when the most
 holy of the dead were torn from their graves, when
 the most illustrious of the living were excommu-
 nicated by a foreign priest. In the defence of their
 religion and liberty, the Abyssinians rose in arms
 with desperate but unsuccessful zeal. Five rebel-
 lions were extinguished in the blood of the in-
 surgents: two abunas were slain in battle, whole
 legions were slaughtered in the field, or suffocated
 in their caverns; and neither merit, nor rank,
 nor sex, could save from an ignominious death
 the enemies of Rome. But the victorious mon-
 arch was finally subdued by the constancy of the
 nation, of his mother, of his son, and of his
 most faithful friends. Segued listened to the voice

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Final expul-
sion of the
Jesuits,
A. D. 1632,
&c.

of pity, of reason, perhaps of fear; and his edict of liberty of conscience instantly revealed the tyranny and weakness of the Jesuits. On the death of his father, Basilides expelled the Latin patriarch, and restored to the wishes of the nations the faith and discipline of Egypt. The Monophysite churches resounded with a song of triumph, "that the sheep of Æthiopia were now delivered from the hyænas of the West;" and the gates of that solitary realm were for ever shut against the arts, the science, and the fanaticism of Europe¹⁶¹.

C H A P. X L V I I I.

Plan of the four last Volumes. — Succession and Characters of the Greek Emperors of Constantinople, from the Time of Heraclius to the Latin Conquest.

I HAVE now deduced from Trajan to Constantinian, from Constantinian to Heraclius, the regular series of the Roman emperors; and faithfully exposed the prosperous and adverse fortunes of their reigns. Five centuries of the decline and fall of the empire have already elapsed; but a period of more than eight hundred years still separates me from the term of my labours, the taking of Constantinople by the Turks. Should I persevere in the same course, should I observe the same measure, a prolix and slender thread would be spun through many a volume, nor would the patient reader find an adequate reward of instruction or amusement. At every step, as we sink deeper in the decline and fall of the Eastern empire, the annals of each succeeding reign would impose a more ungrateful and melancholy task. These annals must continue to repeat a tedious and uniform tale of weakness

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Defects of
the Byzantine history.

C H A P. and misery; the natural connection of causes and
 XLVIII. events would be broken by frequent and hasty
 transitions, and a minute accumulation of cir-
 cumstances must destroy the light and effect of
 those general pictures which compose the use and
 ornament of a remote history. From the time
 of Heraclius, the Byzantine theatre is contracted
 and darkened: the line of empire, which had been
 defined by the laws of Justinian and the arms of
 Belisarius, recedes on all sides from our view:
 the Roman name, the proper subject of our
 enquiries, is reduced to a narrow corner of Europe,
 to the lonely suburbs of Constantinople; and the
 fate of the Greek empire has been compared to
 that of the Rhine, which loses itself in the sands,
 before its waters can mingle with the ocean.
 The scale of dominion is diminished to our view
 by the distance of time and place: nor is the loss
 of external splendour compensated by the nobler
 gifts of virtue and genius. In the last moments
 of her decay, Constantinople was doubtless more
 opulent and populous than Athens at her most
 flourishing æra, when a scanty sum of six thou-
 sand talents, or twelve hundred thousand
 pounds sterling, was possessed by twenty-one
 thousand male citizens of an adult age. But
 each of these citizens was a freeman, who dared
 to assert the liberty of his thoughts, words, and
 actions; whose person and property were guarded
 by equal law; and who exercised his independent
 vote in the government of the republic. Their

numbers seem to be multiplied by the strong and various discriminations of character: under the shield of freedom, on the wings of emulation and vanity, each Athenian aspired to the level of the national dignity: from this commanding eminence, some chosen spirits soared beyond the reach of a vulgar eye; and the chances of superior merit in a great and populous kingdom, as they are proved by experience, would excuse the computation of imaginary millions. The territories of Athens, Sparta, and their allies, do not exceed a moderate province of France or England: but after the trophies of Salamis and Plataea, they expand in our fancy to the gigantic size of Asia, which had been trampled under the feet of the victorious Greeks. But the subjects of the Byzantine empire, who assume and dishonour the names both of Greeks and Romans, present a dead uniformity of abject vices, which are neither softened by the weakness of humanity, nor animated by the vigour of memorable crimes. The freemen of antiquity might repeat with generous enthusiasm the sentence of Homer, “that on the first day of his servitude, the captive is deprived of one half of his manly virtue.” But the poet had only seen the effects of civil or domestic slavery, nor could he foretell that the second moiety of manhood must be annihilated by the spiritual despotism, which shackles, not only the actions, but even the thoughts of the prostrate votary. By this double yoke, the Greeks were

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oppressed under the successors of Heraclius; the tyrant, a law of eternal justice, was degraded by the vices of his subjects; and on the throne, in the camp, in the schools, we search, perhaps with fruitless diligence, the names and characters that may deserve to be rescued from oblivion. Nor are the defects of the subject compensated by the skill and variety of the painters. Of a space of eight hundred years, the four first centuries are overspread with a cloud interrupted by some faint and broken rays of historic light: in the lives of the emperors, from Maurice to Alexius, Basil the Macedonian has alone been the theme of a separate work; and the absence, or loss, or imperfection of contemporary evidence, must be poorly supplied by the doubtful authority of more recent compilers. The four last centuries are exempt from the reproach of penury: and with the Comnenian family, the historic muse of Constantinople again revives, but her apparel is gaudy, her motions are without elegance or grace. A succession of priests, or courtiers, treads in each other's footsteps in the same path of servitude and superstition: their views are narrow, their judgment is feeble or corrupt; and we close the volume of copious barrenness, still ignorant of the causes of events, the characters of the actors, and the manners of the times, which they celebrate or deplore. The observation which has been applied to a man, may be extended to a whole people, that the energy of the sword is

communicated to the pen; and it will be found by experience, that the tone of history will rise or fall with the spirit of the age. C H A P. XLVIII.

From these considerations, I should have abandoned without regret the Greek slaves and their servile historians, had I not reflected that the fate of the Byzantine monarchy is *passively* connected with the most splendid and important revolutions which have changed the state of the world. The space of the lost provinces was immediately replenished with new colonies and rising kingdoms: the active virtues of peace and war deserted from the vanquished to the victorious nations; and it is in their origin and conquests, in their religion and government, that we must explore the causes and effects of the decline and fall of the Eastern empire. Nor will this scope of narrative, the riches and variety of these materials, be incompatible with the unity of design and composition. As, in his daily prayers, the Musulman of Fez or Delhi still turns his face towards the temple of Mecca, the historian's eye shall be always fixed on the city of Constantinople. The excursive line may embrace the wilds of Arabia and Tartary, but the circle will be ultimately reduced to the decreasing limit of the Roman monarchy.

On this principle I shall now establish the plan of the four last volumes of the present work. The first chapter will contain, in a regular series, the emperors who reigned at Constantinople during a period of six hundred years, from the days of Plan of the four last volumes.

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Heraclius to the Latin conquest: a rapid abstract, which may be supported by a *general* appeal to the order and text of the original historians. In this introduction, I shall confine myself to the revolutions of the throne, the succession of families, the personal characters of the Greek princes, the mode of their life and death, the maxims and influence of their domestic government, and the tendency of their reign to accelerate or suspend the downfall of the Eastern empire. Such a chronological review will serve to illustrate the various arguments of the subsequent chapters; and each circumstance of the eventful story of the Barbarians will adapt itself in a proper place to the Byzantine annals. The internal state of the empire, and the dangerous heresy of the Paulicians, which shook the East and enlightened the West, will be the subject of two separate chapters; but these enquiries must be postponed till our farther progress shall have opened the view of the world in the ninth and tenth centuries of the Christian æra. After this foundation of Byzantine history, the following nations will pass before our eyes, and each will occupy the space to which it may be entitled by greatness or merit, or the degree of connection with the Roman world and the present age. I. The FRANKS; a general appellation which includes all the Barbarians of France, Italy, and Germany, who were united by the sword and sceptre of Charlemagne. The persecution of images and their votaries, separated Rome and Italy from the

Byzantine throne, and prepared the restoration of the Roman empire in the West. II. The ARABS or SARACENS. Three ample chapters will be devoted to this curious and interesting object. In the first, after a picture of the country and its inhabitants, I shall investigate the character of Mahomet; the character, religion, and success of the prophet. In the second I shall lead the Arabs to the conquest of Syria, Egypt, and Africa, the provinces of the Roman empire; nor can I check their victorious career till they have overthrown the monarchies of Persia and Spain. In the third I shall enquire how Constantinople and Europe were saved by the luxury and arts, the division and decay, of the empire of the caliphs. A single chapter will include, III. The BULGARIANS, IV. HUNGARIANS, and, V. RUSSIANS, who assaulted by sea or by land the provinces and the capital; but the last of these, so important in their present greatness, will excite some curiosity in their origin and infancy. VI. The NORMANS; or rather the private adventurers of that warlike people, who founded a powerful kingdom in Apulia and Sicily, shook the throne of Constantinople, displayed the trophies of chivalry, and almost realized the wonders of romance. VII. The LATINS; the subjects of the pope, the nations of the West, who enlisted under the banner of the cross for the recovery or relief of the holy sepulchre. The Greek emperors were terrified and preserved by the myriads of pilgrims who marched to Jerusalem

C H A P. XLVIII. with Godfrey of Bouillon and the peers of Christendom. The second and third crusades trod in the footsteps of the first: Asia and Europe were mingled in a sacred war of two hundred years; and the Christian powers were bravely resisted, and finally expelled, by Saladin and the Mamalukes of Egypt. In these memorable crusades, a fleet and army of French and Venetians were diverted from Syria to the Thracian Bosphorus: they assaulted the capital, they subverted the Greek monarchy: and a dynasty of Latin princes was seated near threescore years on the throne of Constantine. VIII. The GREEKS themselves, during this period of captivity and exile, must be considered as a foreign nation; the enemies, and again the sovereigns, of Constantinople. Misfortune had rekindled a spark of national virtue; and the Imperial series may be continued with some dignity from their restoration to the Turkish conquest. IX. The MOGULS and TARTARS. By the arms of Zingis and his descendants, the globe was shaken from China to Poland and Greece: the sultans were overthrown: the caliphs fell, and the Cæsars trembled on their throne. The victories of Timour suspended above fifty years the final ruin of the Byzantine empire. X. I have already noticed the first appearance of the TURKS, and the names of the fathers, of *Seljuk* and *Othman*, discriminate the two successive dynasties of the nation, which emerged in the eleventh century from the Scythian wilderness. The former estab-

lished a potent and splendid kingdom from the banks of the Oxus to Antioch and Nice; and the first crusade was provoked by the violation of Jerusalem and the danger of Constantinople. From an humble origin, the *Ottomans* arose, the scourge and terror of Christendom. Constantinople was besieged and taken by Mahomet II. and his triumph annihilates the remnant, the image, the title, of the Roman empire in the East. The schism of the Greeks will be connected with their last calamities, and the restoration of learning in the Western world. I shall return from the captivity of the new, to the ruins of ancient ROME: and the venerable name, the interesting theme, will shed a ray of glory on the conclusion of my labours.

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THE emperor Heraclius had punished a tyrant and ascended his throne; and the memory of his reign is perpetuated by the transient conquest, and irreparable loss, of the Eastern provinces. After the death of Eudocia, his first wife, he disobeyed the patriarch, and violated the laws, by his second marriage with his niece Martina; and the superstition of the Greeks beheld the judgment of heaven in the diseases of the father and the deformity of his offspring. But the opinion of an illegitimate birth is sufficient to distract the choice, and loosen the obedience, of the people: the ambition of Martina was quickened by maternal

Second marriage and death of Heraclius.

C H A P. love, and perhaps by the envy of a stepmother;
 XLVIII. and the aged husband was too feeble to withstand
 the arts of conjugal allurements. Constantine,
 his eldest son, enjoyed in a mature age the title
 of Augustus; but the weakness of his constitution
 required a colleague and a guardian, and he
 yielded with secret reluctance to the partition of
 the empire. The senate was summoned to the
 palace to ratify or attest the association of Hera-

A. D. 638,
 July 4.

cleonas, the son of Martina: the imposition of
 the diadem was consecrated by the prayer and
 blessing of the patriarch; the senators and patricians
 adored the majesty of the great emperor and the
 partners of his reign; and as soon as the doors
 were thrown open, they were hailed by the
 tumultuary but important voice of the soldiers.

A. D. 639,
 January.

After an interval of five months, the pompous
 ceremonies which formed the essence of the By-
 zantine state were celebrated in the cathedral and
 the hippodrome: the concord of the royal brothers
 was affectedly displayed by the younger leaning
 on the arm of the elder; and the name of Martina
 was mingled in the reluctant or venal acclamations
 of the people. Heraclius survived this association
 about two years: his last testament declared
 his two sons the equal heirs of the Eastern
 empire, and commanded them to honour his
 widow Martina as their mother and their sove-
 reign.

A. D. 641,
 February 11.

Constan-
 tine III.
 A. D. 641,
 February.

When Martina first appeared on the throne with
 the name and attributes of royalty, she was checked
 by a firm, though respectful, opposition; and the

dying embers of freedom were kindled by the breath of superstitious prejudice. "We reverence," exclaimed the voice of a citizen, "we reverence the mother of our princes; but to those princes alone our obedience is due; and Constantine, the elder emperor, is of an age to sustain, in his own hands, the weight of the sceptre. Your sex is excluded by nature from the toils of government. How could you combat, how could you answer, the Barbarians, who, with hostile or friendly intentions, may approach the royal city? May heaven avert from the Roman republic this national disgrace, which would provoke the patience of the slaves of Persia." Martina descended from the throne with indignation, and sought a refuge in the female apartment of the palace. The reign of Constantine the third lasted only one hundred and three days: he expired in the thirtieth year of his age, and, although his life had been a long malady, a belief was entertained that poison had been the means, and his cruel stepmother the author, of his untimely fate. Martina reaped indeed the harvest of his death, and assumed the government in the name of the surviving emperor; but the incestuous widow of Heraclius was universally abhorred; the jealousy of the people was awakened, and the two orphans whom Constantine had left, became the objects of the public care. It was in vain that the son of Martina, who was no more than fifteen years of age, was taught to declare

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Heraclionas,

A. D. 641,

May 25.

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himself the guardian of his nephews, one of whom he had presented at the baptismal font: it was in vain that he swore on the wood of the true cross, to defend them against all their enemies. On his death-bed, the late emperor had dispatched a trusty servant to arm the troops and provinces of the East in the defence of his helpless children: the eloquence and liberality of Valentin had been successful, and from his camp of Chalcedon, he boldly demanded the punishment of the assassins, and the restoration of the lawful heir. The licence of the soldiers who devoured the grapes and drank the wine of their Asiatic vineyards, provoked the citizens of Constantinople against the domestic authors of their calamities, and the dome of St. Sophia re-echoed, not with prayers and hymns, but with the clamours and imprecations of an enraged multitude. At their imperious command, Heracleonas appeared in the pulpit with the eldest of the royal orphans; Constans alone was saluted as emperor of the Romans, and a crown of gold, which had been taken from the tomb of Heraclius, was placed on his head, with the solemn benediction of the patriarch. But in the tumult of joy and indignation, the church was pillaged, the sanctuary was polluted by a promiscuous crowd of Jews and Barbarians; and the Monothelite Pyrrhus, a creature of the empress, after dropping a protestation on the altar, escaped by a prudent flight from the zeal of the Catholics. A more serious and bloody task was reserved for the senate, who

derived a temporary strength from the consent of the soldiers and people. The spirit of Roman freedom revived the ancient and awful examples of the judgment of tyrants, and the Imperial culprits were deposed and condemned as the authors of the death of Constantine. But the severity of the conscript fathers was stained by the indiscriminate punishment of the innocent and the guilty: Martina and Heracleonas were sentenced to the amputation, the former of her tongue, the latter of his nose; and after this cruel execution, they consumed the remainder of their days in exile and oblivion. The Greeks who were capable of reflection might find some consolation for their servitude, by observing the abuse of power when it was lodged for a moment in the hands of an aristocracy.

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Punishment
of Martina
and Heraclea-
onas.

A. D. 641,
September.

We shall imagine ourselves transported five hundred years backwards to the age of the Antonines, if we listen to the oration which Constans II. pronounced in the twelfth year of his age before the Byzantine senate. After returning his thanks for the just punishment of the assassins who had intercepted the fairest hopes of his father's reign, "By the divine providence," said the young emperor, "and by your righteous
"decree, Martina and her incestuous progeny
"have been cast headlong from the throne. Your
"majesty and wisdom have prevented the Roman
"state from degenerating into lawless tyranny.
"I therefore exhort and beseech you to stand
"forth as the counsellors and judges of the

Constans II.
A. D. 641,
September.

CHAP. "common safety." The senators were gratified
 XLVIII. by the respectful address and liberal donative of
 their sovereign; but these servile Greeks were
 unworthy and regardless of freedom; and in his
 mind, the lesson of an hour was quickly erased
 by the prejudices of the age and the habits of
 despotism. He retained only a jealous fear lest
 the senate or people should one day invade the
 right of primogeniture, and seat his brother
 Theodosius on an equal throne. By the imposi-
 tion of holy orders, the grandson of Heraclius
 was disqualified for the purple; but this ceremony,
 which seemed to profane the sacraments of the
 church, was insufficient to appease the suspicions
 of the tyrant, and the death of the deacon
 Theodosius could alone expiate the crime of his
 royal birth. His murder was avenged by the
 imprecations of the people, and the assassin, in
 the fulness of power, was driven from his capital
 into voluntary and perpetual exile. Constans em-
 barked for Greece; and, as if he meant to retort
 the abhorrence which he deserved, he is said,
 from the Imperial galley, to have spit against the
 walls of his native city. After passing the winter
 at Athens, he sailed to Tarentum in Italy, visited
 Rome, and concluded a long pilgrimage of disgrace
 and sacrilegious rapine, by fixing his residence at
 Syracuse. But if Constans could fly from his people,
 he could not fly from himself. The remorse of
 his conscience created a phantom who pursued him
 by land and sea, by day and by night; and the
 visionary Theodosius, presenting to his lips a cup

of blood, said, or seemed to say, "Drink, brother, drink;" a sure emblem of the aggravation of his guilt, since he had received from the hands of the deacon the mystic cup of the blood of Christ. Odious to himself and to mankind, Constans perished by domestic, perhaps by episcopal, treason, in the capital of Sicily. A servant who waited in the bath, after pouring warm water on his head, struck him violently with the vase. He fell, stunned by the blow and suffocated by the water; and his attendants, who wondered at the tedious delay, beheld with indifference the corpse of their lifeless emperor. The troops of Sicily invested with the purple an obscure youth, whose inimitable beauty eluded, and it might easily elude, the declining art of the painters and sculptors of the age.

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Constans had left in the Byzantine palace three sons, the eldest of whom had been clothed in his infancy with the purple. When the father summoned them to attend his person in Sicily, these precious hostages were detained by the Greeks, and a firm refusal informed him that they were the children of the state. The news of his murder was conveyed with almost supernatural speed from Syracuse to Constantinople; and Constantine, the eldest of his sons, inherited his throne without being the heir of the public hatred. His subjects contributed, with zeal and alacrity, to chastise the guilt and presumption of a province which had usurped the rights of the senate and people; the young emperor sailed from the Hel-

Constan-
tine IV.
Fogonatus,
A. D. 668,
September.

C H A P. lespont with a powerful fleet; and the legions of
 XLVIII. Rome and Carthage were assembled under his
 standard in the harbour of Syracuse. The defeat
 of the Sicilian tyrant was easy, his punishment
 just, and his beauteous head was exposed in the
 hippodrome: but I cannot applaud the clemency
 of a prince, who, among a crowd of victims,
 condemned the son of a patrician, for deploring
 with some bitterness the execution of a virtuous
 father. The youth was castrated: he survived
 the operation, and the memory of this indecent
 cruelty is preserved by the elevation of Germanus
 to the rank of a patriarch and saint. After
 pouring this bloody libation on his father's tomb,
 Constantine returned to his capital, and the
 growth of his young beard during the Sicilian
 voyage, was announced by the familiar surname
 of Pogonatus, to the Grecian world. But his
 reign, like that of his predecessor, was stained
 with fraternal discord. On his two brothers,
 Heraclius and Tiberius, he had bestowed the title
 of Augustus: an empty title, for they continued
 to languish without trust or power in the solitude
 of the palace. At their secret instigation, the troops
 of the Anatolian *theme* or province approached
 the city on the Asiatic side, demanded for the
 royal brothers, the partition or exercise of sover-
 eignty; and supported their seditious claim by a
 theological argument. They were Christians (they
 cried), and orthodox Catholics; the sincere vo-
 taries of the holy and undivided Trinity. Since
 there are three equal persons in heaven, it is

reasonable there should be three equal persons upon earth. The emperor invited these learned divines to a friendly conference, in which they might propose their arguments to the senate: they obeyed the summons, but the prospect of their bodies hanging on the gibbet in the suburb of Galata, reconciled their companions to the unity of the reign of Constantine. He pardoned his brothers, and their names were still pronounced in the public acclamations: but on the repetition or suspicion of a similar offence, the obnoxious princes were deprived of their titles and noses, in the presence of the Catholic bishops who were assembled at Constantinople in the sixth general synod. In the close of his life, Pogonatus was anxious only to establish the right of primogeniture: the hair of his two sons, Justinian and Heraclius, was offered on the shrine of St. Peter, as a symbol of their spiritual adoption by the pope; but the elder was alone exalted to the rank of Augustus and the assurance of the empire.

After the decease of his father, the inheritance of the Roman world devolved to Justinian II.; and the name of a triumphant law-giver was dishonoured by the vices of a boy, who imitated his namesake only in the expensive luxury of building. His passions were strong; his understanding was feeble; and he was intoxicated with a foolish pride, that his birth had given him the command of millions, of whom the smallest community would not have chosen him for their local magistrate. His favourite ministers were two

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Justinian II.

A. D. 685,

September.

C H A P. XLVIII. beings the least susceptible of human sympathy,
 an eunuch and a monk: to the one he abandoned
 the palace, to the other the finances; the former
 corrected the emperor's mother with a scourge,
 the latter suspended the insolvent tributaries,
 with their heads downwards, over a slow and
 smoaky fire. Since the days of Commodus and
 Caracalla, the cruelty of the Roman princes had
 most commonly been the effect of their fear; but
 Justinian, who possessed some vigour of character,
 enjoyed the sufferings, and braved the revenge,
 of his subjects about ten years, till the measure
 was full, of his crimes and of their patience. In a
 dark dungeon, Leontius, a general of reputation,
 had groaned above three years, with some of
 the noblest and most deserving of the patricians:
 he was suddenly drawn forth to assume the go-
 vernment of Greece; and this promotion of an
 injured man was a mark of the contempt rather
 than of the confidence of his prince. As he was
 followed to the port by the kind offices of his
 friends, Leontius observed with a sigh that he
 was a victim adorned for sacrifice, and that ine-
 vitable death would pursue his footsteps. They
 ventured to reply, that glory and empire might
 be the recompense of a generous resolution; that
 every order of men abhorred the reign of a mon-
 ster; and that the hands of two hundred thousand
 patriots expected only the voice of a leader. The
 night was chosen for their deliverance; and in the
 first effort of the conspirators, the præfect was
 slain, and the prisons were forced open: the

emissaries of Leontius proclaimed in every street, "Christians, to St. Sophia;" and the seasonable text of the patriarch, "this is the day of the Lord!" was the prelude of an inflammatory sermon. From the church the people adjourned to the hippodrome: Justinian, in whose cause not a sword had been drawn, was dragged before these tumultuary judges, and their clamours demanded the instant death of the tyrant. But Leontius, who was already clothed with the purple, cast an eye of pity on the prostrate son of his own benefactor and of so many emperors. The life of Justinian was spared; the amputation of his nose, perhaps of his tongue, was imperfectly performed: the happy flexibility of the Greek language could impose the name of Rhinotmetus; and the mutilated tyrant was banished to Chersonæ in Crim-Tartary, a lonely settlement, where corn, wine, and oil, were imported as foreign luxuries.

On the edge of the Scythian wilderness, Justinian still cherished the pride of his birth and the hope of his restoration. After three years exile, he received the pleasing intelligence that his injury was avenged by a second revolution, and that Leontius in his turn had been dethroned and mutilated by the rebel Apfimar, who assumed the more respectable name of Tiberius. But the claim of lineal succession was still formidable to a plebeian usurper; and his jealousy was stimulated by the complaints and charges of the Chersonites, who beheld the vices of the tyrant in the spirit of the

His exile,
A. D.
695—705.

CHAP. XLVIII. exile. With a band of followers, attached to his person by common hope or common despair, Justinian fled from the inhospitable shore to the hord of the Chozars, who pitched their tents between the Tanais and Borysthenes. The khan entertained with pity and respect the royal suppliant: Phanagoria, once an opulent city, on the Asiatic side of the lake Mæotis, was assigned for his residence; and every Roman prejudice was stifled in his marriage with the sister of the Barbarian, who seems, however, from the name of Theodora, to have received the sacrament of baptism. But the faithless Chozar was soon tempted by the gold of Constantinople; and had not the design been revealed by the conjugal love of Theodora, her husband must have been assassinated, or betrayed into the power of his enemies. After strangling, with his own hands, the two emissaries of the khan, Justinian sent back his wife to her brother, and embarked on the Euxine in search of new and more faithful allies. His vessel was assaulted by a violent tempest; and one of his pious companions advised him to deserve the mercy of God by a vow of general forgiveness, if he should be restored to the throne. "Of forgiveness?" replied the intrepid tyrant: "may I perish this instant—may the Almighty whelm me in the waves—if I consent to spare a single head of my enemies!" He survived this impious menace, sailed into the mouth of the Danube, trusted his person in the royal village of the Bulgarians, and purchased the aid of Terbelis, a Pagan con-

queror, by the promise of his daughter and a fair partition of the treasures of the empire. The Bulgarian kingdom extended to the confines of Thrace; and the two princes besieged Constantinople at the head of fifteen thousand horse. Apfimar was dismayed by the sudden and hostile apparition of his rival, whose head had been promised by the Chozar, and of whose evasion he was yet ignorant. After an absence of ten years, the crimes of Justinian were faintly remembered, and the birth and misfortunes of their hereditary sovereign excited the pity of the multitude, ever discontented with the ruling powers; and by the active diligence of his adherents he was introduced into the city and palace of Constantine.

In rewarding his allies and recalling his wife, Justinian displayed some sense of honour and gratitude; and Terbelis retired, after sweeping away an heap of gold coin, which he measured with his Scythian whip. But never was vow more religiously performed than the sacred oath of revenge which he had sworn amidst the storms of the Euxine. The two usurpers, for I must reserve the name of tyrant for the conqueror, were dragged into the hippodrome, the one from his prison, the other from his palace. Before their execution, Leontius and Apfimar were cast prostrate in chains beneath the throne of the emperor; and Justinian, planting a foot on each of their necks, contemplated above an hour the chariot-race, while the inconstant people shouted, in the words of the Psalmist, “Thou shalt trample on the asp

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His restoration and death,
A. D.

705—711.

CHAP. "and basilisk, and on the lion and dragon shalt

XLVIII. "thou set thy foot!" The universal defection

which he had once experienced might provoke him to repeat the wish of Caligula, that the Roman people had but one head. Yet I shall presume to observe, that such a wish is unworthy of an ingenious tyrant, since his revenge and cruelty would have been extinguished by a single blow, instead of the slow variety of tortures which Justinian inflicted on the victims of his anger. His pleasures were inexhaustible: neither private virtue nor public service could expiate the guilt of active, or even passive, obedience to an established government; and during the six years of his new reign, he considered the axe, the cord, and the rack, as the only instruments of royalty. But his most implacable hatred was pointed against the Chersonites, who had insulted his exile and violated the laws of hospitality. Their remote situation afforded some means of defence, or at least of escape; and a grievous tax was imposed on Constantinople, to supply the preparations of a fleet and army. "All are guilty, and all must perish," was the mandate of Justinian; and the bloody execution was entrusted to his favourite Stephen, who was recommended by the epithet of the savage. Yet even the savage Stephen imperfectly accomplished the intentions of his sovereign. The slowness of his attack allowed the greater part of the inhabitants to withdraw into the country; and the minister of vengeance contented himself with reducing the youth of both sexes to a state of

servitude, with roasting alive seven of the principal citizens, with drowning twenty in the sea, and with reserving forty-two in chains to receive their doom from the mouth of the emperor. In their return, the fleet was driven on the rocky shores of Anatolia; and Justinian applauded the obedience of the Euxine, which had involved so many thousands of his subjects and enemies in a common shipwreck: but the tyrant was still insatiate of blood; and a second expedition was commanded to extirpate the remains of the proscribed colony. In the short interval, the Chersonites had returned to their city, and were prepared to die in arms; the khan of the Chozars had renounced the cause of his odious brother; the exiles of every province were assembled in Tauris; and Bardanes, under the name of Philippicus, was invested with the purple. The Imperial troops, unwilling and unable to perpetrate the revenge of Justinian, escaped his displeasure by abjuring his allegiance: the fleet, under their new sovereign, steered back a more auspicious course to the harbours of Sinope and Constantinople; and every tongue was prompt to pronounce, every hand to execute, the death of the tyrant. Destitute of friends, he was deserted by his Barbarian guards; and the stroke of the assassin was praised as an act of patriotism and Roman virtue. His son Tiberius had taken refuge in a church; his aged grandmother guarded the door; and the innocent youth, suspending round his neck the most formidable relics, embraced with one hand the altar, with the other the wood

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Philippicus,
A. D. 711,
December.

of the true cross. But the popular fury that dares to trample on superstition, is deaf to the cries of humanity; and the race of Heraclius was extinguished after a reign of one hundred years.

Between the fall of the Heraclian and the rise of the Isaurian dynasty, a short interval of six years is divided into three reigns. Bardanes, or Philippicus, was hailed at Constantinople as an hero who had delivered his country from a tyrant; and he might taste some moments of happiness in the first transports of sincere and universal joy. Justinian had left behind him an ample treasure, the fruit of cruelty and rapine: but this useful fund was soon and idly dissipated by his successor. On the festival of his birth-day, Philippicus entertained the multitude with the games of the hippodrome; from thence he paraded through the streets with a thousand banners and a thousand trumpets; refreshed himself in the baths of Zeuxippus, and, returning to the palace, entertained his nobles with a sumptuous banquet. At the meridian hour he withdrew to his chamber, intoxicated with flattery and wine, and forgetful that his example had made every subject ambitious and that every ambitious subject was his secret enemy. Some bold conspirators introduced themselves in the disorder of the feast; and the slumbering monarch was surpris'd, bound, blinded, and deposed, before he was sensible of his danger. Yet the traitors were deprived of their reward; and the free voice of the senate and people promoted Artemius from the office of secretary to

that of emperor: he assumed the title of Anastasius the second, and displayed in a short and troubled reign the virtues both of peace and war. But, after the extinction of the Imperial line, the rule of obedience was violated, and every change diffused the seeds of new revolutions. In a mutiny of the fleet, an obscure and reluctant officer of the revenue was forcibly invested with the purple: after some months of a naval war, Anastasius resigned the sceptre; and the conqueror, Theodosius the third, submitted in his turn to the superior ascendant of Leo, the general and emperor of the Oriental troops. His two predecessors were permitted to embrace the ecclesiastical profession: the restless impatience of Anastasius tempted him to risk and to lose his life in a treasonable enterprise; but the last days of Theodosius were honourable and secure. The single sublime word "HEALTH," which he inscribed on his tomb, expresses the confidence of philosophy or religion; and the fame of his miracles was long preserved among the people of Ephesus. This convenient shelter of the church might sometimes impose a lesson of clemency; but it may be questioned whether it is for the public interest to diminish the perils of unsuccessful ambition.

I have dwelt on the fall of a tyrant; I shall briefly represent the founder of a new dynasty, who is known to posterity by the invectives of his enemies, and whose public and private life is involved in the ecclesiastical story of the Iconoclasts. Yet in spite of the clamours of superstition,

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Anastasius II.

A. D. 713,

June 4.

Theodo-

sius III.

A. D. 715,

January.

Leo III. the

Isaurian,

A. D. 718,

March 25.

C H A P. a favourable prejudice for the character of Leo
 XLVIII. the Isaurian, may be reasonably drawn from the
 obscurity of his birth, and the duration of his
 reign.—I. In an age of manly spirit, the prospect
 of an Imperial reward would have kindled every
 energy of the mind, and produced a crowd of
 competitors as deserving as they were desirous
 to reign. Even in the corruption and debility of
 the modern Greeks, the elevation of a plebeian
 from the last to the first rank of society, supposes
 some qualifications above the level of the multi-
 tude. He would probably be ignorant and disdainful
 of speculative science; and in the pursuit of for-
 tune, he might absolve himself from the obligations
 of benevolence and justice: but to his character
 we may ascribe the useful virtues of prudence and
 fortitude, the knowledge of mankind, and the
 important art of gaining their confidence and
 directing their passions. It is agreed that Leo was
 a native of Isauria, and that Conon was his pri-
 mitive name. The writers, whose awkward satire
 is praise, describe him as an itinerant pedlar who
 drove an ass with some paltry merchandise to the
 country fairs; and foolishly relate that he met on
 the road some Jewish fortune-tellers, who promif-
 ed him the Roman empire, on condition that he
 should abolish the worship of idols. A more prob-
 able account relates the migration of his father
 from Asia Minor to Thrace, where he exercised
 the lucrative trade of a grazier; and he must have
 acquired considerable wealth, since the first intro-
 duction of his son was procured by a supply of

five hundred sheep to the Imperial camp. His first service was in the guards of Justinian, where he soon attracted the notice, and by degrees the jealousy, of the tyrant. His valour and dexterity were conspicuous in the Colchian war: from Anastasius he received the command of the Anatolian legions, and by the suffrage of the soldiers he was raised to the empire with the general applause of the Roman world.— II. In this dangerous elevation, Leo the third supported himself against the envy of his equals, the discontent of a powerful faction, and the assaults of his foreign and domestic enemies. The Catholics, who accuse his religious innovations, are obliged to confess that they were undertaken with temper and conducted with firmness. Their silence respects the wisdom of his administration and the purity of his manners. After a reign of twenty-four years, he peaceably expired in the palace of Constantinople, and the purple which he had acquired, was transmitted by the right of inheritance to the third generation.

In a long reign of thirty-four years, the son and successor of Leo, Constantine the fifth, surnamed Copronymus, attacked with less temperate zeal the images or idols of the church. Their votaries have exhausted the bitterness of religious gall, in their portrait of this spotted panther, this anti-christ, this flying dragon of the serpent's seed, who surpassed the vices of Elagabalus and Nero. His reign was a long butchery of whatever was most noble, or holy, or innocent,

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Constantine V.
Copronymus,
A. D. 741,
June 18.

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in his empire. In person, the emperor assisted at the execution of his victims, surveyed their agonies, listened to their groans, and indulged, without satiating, his appetite for blood: a plate of noses was accepted as a grateful offering, and his domestics were often scourged or mutilated by the royal hand. His surname was derived from his pollution of his baptismal font. The infant might be excused; but the manly pleasures of Copronymus degraded him below the level of a brute; his lust confounded the eternal distinctions of sex and species; and he seemed to extract some unnatural delight from the objects most offensive to human sense. In his religion, the Iconoclast was an Heretic, a Jew, a Mahometan, a Pagan, and an Atheist; and his belief of an invisible power could be discovered only in his magic rites, human victims and nocturnal sacrifices to Venus and the dæmons of antiquity. His life was stained with the most opposite vices, and the ulcers which covered his body, anticipated before his death the sentiment of hell-tortures. Of these accusations, which I have so patiently copied, a part is refuted by its own absurdity; and in the private anecdotes of the life of princes, the lie is more easy as the detection is more difficult. Without adopting the pernicious maxim, that where much is alleged, something must be true, I can however discern, that Constantine the fifth was dissolute and cruel. Calumny is more prone to exaggerate than to invent; and her licentious tongue is checked in some measure by the
 III V experience

experience of the age and country to which she appeals. Of the bishops and monks, the generals and magistrates, who are said to have suffered under his reign, the numbers are recorded, the names were conspicuous, the execution was public, the mutilation visible and permanent. The Catholics hated the person and government of Copronymus; but even their hatred is a proof of their oppression. They dissemble the provocations which might excuse or justify his rigour, but even these provocations must gradually inflame his resentment, and harden his temper in the use or the abuse of despotism. Yet the character of the fifth Constantine was not devoid of merit, nor did his government always deserve the curses or the contempt of the Greeks. From the confession of his enemies, I am informed of the restoration of an ancient aqueduct, of the redemption of two thousand five hundred captives, of the uncommon plenty of the times, and of the new colonies with which he repeopled Constantinople and the Thracian cities. They reluctantly praise his activity and courage; he was on horseback in the field at the head of his legions; and, although the fortune of his arms was various, he triumphed by sea and land, on the Euphrates and the Danube, in civil and Barbarian war. Heretical praise must be cast into the scale, to counterbalance the weight of orthodox invective. The Iconoclasts revered the virtues of the prince: forty years after his death, they still prayed before the tomb of the saint. A miraculous vision

CHAPTER XLVIII. was propagated by fanaticism or fraud: and the Christian hero appeared on a milk-white steed, brandishing his lance against the pagans of Bulgaria: "An absurd fable," says the Catholic historian, "since Copronymus is chained with the dæmons in the abyfs of hell."

Leo IV.

A. D. 775,

Sept. 14.

Leo the fourth, the son of the fifth and the father of the sixth Constantine, was of a feeble constitution both of mind and body, and the principal care of his reign was the settlement of the succession. The association of the young Constantine was urged by the officious zeal of his subjects; and the emperor, conscious of his decay, complied, after a prudent hesitation, with their unanimous wishes. The royal infant, at the age of five years, was crowned with his mother Irene; and the national consent was ratified by every circumstance of pomp and solemnity, that could dazzle the eyes, or bind the conscience, of the Greeks. An oath of fidelity was administered in the palace, the church, and the hippodrome, to the several orders of the state, who adjured the holy names of the son, and mother, of God. "Be witness, O Christ! that
 " we will watch over the safety of Constantine
 " the son of Leo, expose our lives in his service,
 " and bear true allegiance to his person and
 " posterity." They pledged their faith on the wood of the true cross, and the act of their engagement was deposited on the altar of St. Sophia. The first to swear, and the first to violate their oath, were the five sons of Copronymus

by a second marriage; and the story of these princes is singular and tragic. The right of primogeniture excluded them from the throne; the injustice of their elder brother defrauded them of a legacy of about two millions sterling; some vain titles were not deemed a sufficient compensation for wealth and power; and they repeatedly conspired against their nephew, before and after the death of his father. Their first attempt was pardoned; for the second offence they were condemned to the ecclesiastical state: and for the third treason, Nicephorus, the eldest and most guilty, was deprived of his eyes, and his four brothers, Christopher, Nicetas, Anthemeus, and Eudoxas, were punished, as a milder sentence, by the amputation of their tongues. After five years confinement, they escaped to the church of St. Sophia, and displayed a pathetic spectacle to the people. "Countrymen and Christians," cried Nicephorus for himself and his mute brethren, "behold the sons of your emperor, if you
 "can still recognise our features in this miserable
 "state. A life, an imperfect life, is all that the
 "malice of our enemies has spared. It is now
 "threatened, and we now throw ourselves on
 "your compassion." The rising murmur might have produced a revolution, had it not been checked by the presence of a minister, who soothed the unhappy princes with flattery and hope, and gently drew them from the sanctuary to the palace. They were speedily embarked for Greece, and Athens was allotted for the

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place of their exile. In this calm retreat, and in their helpless condition, Nicephorus and his brothers were tormented by the thirst of power, and tempted by a Slavonian chief, who offered to break their prison, and to lead them in arms, and in the purple, to the gates of Constantinople. But the Athenian people, ever zealous in the cause of Irene, prevented her justice or cruelty; and the five sons of Copronymus were plunged in eternal darkness and oblivion.

Constantine VI.
and Irene,
A. D. 780,
September 8.

For himself, that emperor had chosen a Barbarian wife, the daughter of the khan of the Chozars: but in the marriage of his heir, he preferred an Athenian virgin, an orphan, seventeen years old, whose sole fortune must have consisted in her personal accomplishments. The nuptials of Leo and Irene were celebrated with royal pomp; she soon acquired the love and confidence of a feeble husband, and in his testament he declared the empress, guardian of the Roman world, and of their son Constantine the sixth, who was no more than ten years of age. During his childhood, Irene most ably and assiduously discharged, in her public administration, the duties of a faithful mother; and her zeal in the restoration of images has deserved the name and honours of a saint, which she still occupies in the Greek calendar. But the emperor attained the maturity of youth; the maternal yoke became more grievous; and he listened to the favourites of his own age, who shared his pleasures, and were ambitious of sharing his

power. Their reasons convinced him of his right, their praises of his ability, to reign; and he consented to reward the services of Irene by a perpetual banishment to the isle of Sicily. But her vigilance and penetration easily disconcerted their rash projects; a similar, or more severe, punishment was retaliated on themselves and their advisers; and Irene inflicted on the ungrateful prince the chastisement of a boy. After this contest, the mother and the son were at the head of two domestic factions; and, instead of mild influence and voluntary obedience, she held in chains a captive and an enemy. The empress was overthrown by the abuse of victory; the oath of fidelity which she exacted to herself alone, was pronounced with reluctant murmurs; and the bold refusal of the Armenian guards encouraged a free and general declaration, that Constantine the sixth was the lawful emperor of the Romans. In this character he ascended his hereditary throne, and dismissed Irene to a life of solitude and repose. But her haughty spirit condescended to the arts of dissimulation: she flattered the bishops and eunuchs, revived the filial tenderness of the prince, regained his confidence, and betrayed his credulity. The character of Constantine was not destitute of sense or spirit; but his education had been studiously neglected; and his ambitious mother exposed to the public censure the vices which she had nourished and the actions which she had secretly advised: his divorce and second marriage offended

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the prejudices of the clergy, and by his imprudent rigour he forfeited the attachment of the Armenian guards. A powerful conspiracy was formed for the restoration of Irene; and the secret though widely diffused, was faithfully kept above eight months, till the emperor, suspicious of his danger, escaped from Constantinople, with the design of appealing to the provinces and armies. By this hasty flight, the empress was left on the brink of the precipice; yet before she implored the mercy of her son, Irene addressed a private epistle to the friends whom she had placed about his person, with a menace, that unless *they* accomplished, *she* would reveal, their treason. Their fear rendered them intrepid; they seized the emperor on the Asiatic shore, and he was transported to the porphyry apartment of the palace, where he had first seen the light. In the mind of Irene, ambition had stifled every sentiment of humanity and nature; and it was decreed in her bloody council, that Constantine should be rendered incapable of the throne: her emissaries assaulted the sleeping prince, and stabbed their daggers with such violence and precipitation into his eyes, as if they meant to execute a mortal sentence. An ambiguous passage of Theophanes persuaded the annalist of the church that death was the immediate consequence of this barbarous execution. The Catholics have been deceived or subdued by the authority of Baronius; and protestant zeal has re-echoed the words of a cardinal,

desirous, as it should seem, to favour the patrons of images. Yet the blind son of Irene survived many years, oppressed by the court and forgotten by the world: the Isaurian dynasty was silently extinguished; and the memory of Constantine was recalled only by the nuptials of his daughter Euphrosyne with the emperor Michael the second.

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The most bigoted orthodoxy has justly execrated the unnatural mother, who may not easily be paralleled in the history of crimes. To her bloody deed, superstition has attributed a subsequent darkness of seventeen days; during which many vessels in mid-day were driven from their course, as if the sun, a globe of fire so vast and so remote, could sympathise with the atoms of a revolving planet. On earth, the crime of Irene was left five years unpunished; her reign was crowned with external splendour; and if she could silence the voice of conscience, she neither heard nor regarded the reproaches of mankind. The Roman world bowed to the government of a female; and as she moved through the streets of Constantinople, the reins of four milk-white steeds were held by as many patricians, who marched on foot before the golden chariot of their queen. But these patricians were for the most part eunuchs; and their black ingratitude justified, on this occasion, the popular hatred and contempt. Raised, enriched, entrusted with the first dignities of the empire, they basely conspired against their bene-

Irene,
A. D. 792,
August 19.

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 XLVIII. secretly invested with the purple; her successor
 was introduced into the palace, and crowned
 at St. Sophia by the venal patriarch. In their
 first interview, she recapitulated with dignity
 the revolutions of her life, gently accused the
 perfidy of Nicephorus, insinuated that he owed
 his life to her unsuspecting clemency, and, for
 the throne and treasures which she resigned,
 solicited a decent and honourable retreat. His
 avarice refused this modest compensation; and,
 in her exile of the isle of Lesbos, the empress
 earned a scanty subsistence by the labours of her
 distaff.

Nicephorus I.
 A. D. 802,
 October 31.

Many tyrants have reigned undoubtedly more
 criminal than Nicephorus, but none perhaps
 have more deeply incurred the universal abhor-
 rence of their people. His character was stained
 with the three odious vices of hypocrisy, ingra-
 titude, and avarice: his want of virtue was not
 redeemed by any superior talents, nor his want
 of talents by any pleasing qualifications. Unskilful
 and unfortunate in war, Nicephorus was van-
 quished by the Saracens, and slain by the
 Bulgarians; and the advantage of his death
 overbalanced, in the public opinion, the destruc-
 tion of a Roman army. His son and heir Staura-
 cius escaped from the field with a mortal wound:
 yet six months of an expiring life were sufficient
 to refute his indecent, though popular declara-
 tion, that he would in all things avoid the
 example of his father. On the near prospect of
 his decease, Michael, the great master of the

Stauracius,
 A. D. 811,
 July 25.

palace, and the husband of his sister Procopia, was named by every person of the palace and city, except by his envious brother. Tenacious of a sceptre now falling from his hand, he conspired against the life of his successor, and cherished the idea of changing to a democracy the Roman empire. But these rash projects served only to inflame the zeal of the people and to remove the scruples of the candidate: Michael the first accepted the purple, and before he sunk into the grave, the son of Nicephorus implored the clemency of his new sovereign. Had Michael in an age of peace ascended an hereditary throne, he might have reigned and died the father of his people: but his mild virtues were adapted to the shade of private life, nor was he capable of controlling the ambition of his equals, or of resisting the arms of the victorious Bulgarians. While his want of ability and success exposed him to the contempt of the soldiers, the masculine spirit of his wife Procopia awakened their indignation. Even the Greeks of the ninth century were provoked by the insolence of a female, who, in the front of the standards, presumed to direct their discipline and animate their valour; and their licentious clamours advised the new Semiramis to reverence the majesty of a Roman camp. After an unsuccessful campaign, the emperor left in their winter-quarters of Thrace, a disaffected army under the command of his enemies; and their artful eloquence persuaded the soldiers to break

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Michael I.
Rhangabe,
A. D. 811,
October 2.

Nicephorus I.
A. D. 802,
October 31.

Semiramis
A. D. 11,
July 27.

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the dominion of the eunuchs, to degrade the husband of Procopia, and to assert the right of a military election. They marched towards the capital: yet the clergy, the senate, and the people of Constantinople, adhered to the cause of Michael; and the troops and treasures of Asia might have protracted the mischiefs of civil war. But his humanity (by the ambitious, it will be termed his weakness) protested, that not a drop of Christian blood should be shed in his quarrel, and his messengers presented the conquerors with the keys of the city and the palace. They were disarmed by his innocence and submission; his life and his eyes were spared; and the Imperial monk enjoyed the comforts of solitude and religion above thirty-two years after he had been stripped of the purple and separated from his wife.

Leo V. the
Armenian,
A. D. 813,
July 11.

A rebel, in the time of Nicephorus, the famous and unfortunate Bardanes, had once the curiosity to consult an Asiatic prophet, who, after prognosticating his fall, announced the fortunes of his three principal officers, Leo the Armenian, Michael the Phrygian, and Thomas the Cappadocian, the successive reigns of the two former, the fruitless and fatal enterprize of the third. This prediction was verified, or rather was produced, by the event. Ten years afterwards, when the Thracian camp rejected the husband of Procopia, the crown was presented to the same Leo, the first in military rank and the secret author of the mutiny. As he affected to hesitate, "With this sword," said his companion Michael, "I will

“ open the gates of Constantinople to your Imperial sway; or instantly plunge it into your bosom, if you obstinately resist the just desires of your fellow-soldiers.” The compliance of the Armenian was rewarded with the empire, and he reigned seven years and an half under the name of Leo the fifth. Educated in a camp, and ignorant both of laws and letters, he introduced into his civil government the rigour and even cruelty of military discipline; but if his severity was sometimes dangerous to the innocent, it was always formidable to the guilty. His religious inconstancy was taxed by the epithet of Chameleon, but the Catholics have acknowledged by the voice of a saint and confessor, that the life of the Iconoclast was useful to the republic. The zeal of his companion Michael was repaid with riches, honours, and military command; and his subordinate talents were beneficially employed in the public service. Yet the Phrygian was dissatisfied at receiving as a favour a scanty portion of the Imperial prize which he had bestowed on his equal; and his discontent, which sometimes evaporated in hasty discourse, at length assumed a more threatening and hostile aspect against a prince whom he represented as a cruel tyrant. That tyrant, however, repeatedly detected, warned, and dismissed the old companion of his arms, till fear and resentment prevailed over gratitude; and Michael, after a scrutiny into his actions and designs, was convicted of treason, and sentenced to be burnt alive in the furnace of

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the private baths. The devout humanity of the empress Theophano was fatal to her husband and family. A solemn day, the twenty-fifth of December, had been fixed for the execution: she urged, that the anniversary of the Saviour's birth would be profaned by this inhuman spectacle, and Leo consented with reluctance to a decent respite. But on the vigil of the feast, his sleepless anxiety prompted him to visit at the dead of night the chamber in which his enemy was confined: he beheld him released from his chain, and stretched on his gaoler's bed in a profound slumber: Leo was alarmed at these signs of security and intelligence; but, though he retired with silent steps, his entrance and departure were noticed by a slave who lay concealed in a corner of the prison. Under the pretence of requesting the spiritual aid of a confessor, Michael informed the conspirators, that their lives depended on his discretion, and that a few hours were left to assure their own safety, by the deliverance of their friend and country. On the great festivals, a chosen band of priests and chanters was admitted into the palace by a private gate to sing matins in the chapel; and Leo, who regulated with the same strictness the discipline of the choir and of the camp, was seldom absent from these early devotions. In the ecclesiastical habit, but with swords under their robes, the conspirators mingled with the procession, lurked in the angles of the chapel, and expected, as the signal of murder, the intonation of the first psalm by the emperor

himself. The imperfect light, and the uniformity of dress, might have favoured his escape, while their assault was pointed against an harmless priest; but they soon discovered their mistake, and encompassed on all sides the royal victim. Without a weapon and without a friend, he grasped a weighty cross, and stood at bay against the hunters of his life; but as he asked for mercy, "This is the hour, not of mercy, but of vengeance," was the inexorable reply. The stroke of a well-aimed sword separated from his body the right arm and the cross, and Leo the Armenian was slain at the foot of the altar.

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A memorable reverse of fortune was displayed in Michael the second, who, from a defect in his speech, was surnamed the Stammerer. He was snatched from the fiery furnace to the sovereignty of an empire; and as in the tumult a smith could not readily be found, the fetters remained on his legs several hours after he was seated on the throne of the Cæsars. The royal blood which had been the price of his elevation, was unprofitably spent: in the purple he retained the ignoble vices of his origin; and Michael lost his provinces with as supine indifference as if they had been the inheritance of his fathers. His title was disputed by Thomas, the last of the military triumvirate, who transported into Europe fourscore thousand Barbarians from the banks of the Tigris and the shores of the Caspian. He formed the siege of Constantinople; but the capital was defended with spiritual and carnal

Michael II.
the Stam-
merer,
A. D. 820.
Dec. 25.

C H A P. weapons; a Bulgarian king assaulted the camp of
 XLVIII. the Orientals, and Thomas had the misfortune,
 or the weakness, to fall alive into the power of
 the conqueror. The hands and feet of the rebel
 were amputated; he was placed on an ass, and,
 amidst the insults of the people, was led through
 the streets, which he sprinkled with his blood.
 The depravation of manners, as savage as they
 were corrupt, is marked by the presence of the
 emperor himself. Deaf to the lamentations of a
 fellow-foldier, he incessantly pressed the disco-
 very of more accomplices, till his curiosity was
 checked by the question of an honest or guilty
 minister: "Would you give credit to an enemy,
 " against the most faithful of your friends?"
 After the death of his first wife, the emperor,
 at the request of the senate, drew from her mo-
 nastery Euphrosyne, the daughter of Constantine
 the sixth. Her august birth might justify a stipu-
 lation in the marriage-contract, that her children
 should equally share the empire with their elder
 brother. But the nuptials of Michael and Euphro-
 syne were barren; and she was content with the
 title of mother of Theophilus, his son and suc-
 cessor.

Theophilus,
 A. D. 829,
 October 3.

The character of Theophilus is a rare example
 in which religious zeal has allowed, and perhaps
 magnified, the virtues of an heretic and a perse-
 cutor. His valour was often felt by the enemies,
 and his justice by the subjects, of the monarchy; but
 the valour of Theophilus was rash and fruitless,
 and his justice arbitrary and cruel. He displayed the

banner of the cross against the Saracens; but his five expeditions were concluded by a signal overthrow; Amorium, the native city of his ancestors, was levelled with the ground, and from his military toils, he derived only the surname of the Unfortunate. The wisdom of a sovereign is comprised in the institution of laws and the choice of magistrates, and while he seems without action, his civil government revolves round his centre with the silence and order of the planetary system. But the justice of Theophilus was fashioned on the model of the Oriental despots, who, in personal and irregular acts of authority, consult the reason or passion of the moment, without measuring the sentence by the law or the penalty by the offence. A poor woman threw herself at the emperor's feet to complain of a powerful neighbour, the brother of the empress, who had raised his palace wall to such an inconvenient height, that her humble dwelling was excluded from light and air. On the proof of the fact, instead of granting, like an ordinary judge, sufficient or ample damages to the plaintiff, the sovereign adjudged to her use and benefit the palace and the ground. Nor was Theophilus content with this extravagant satisfaction: his zeal converted a civil trespass into a criminal act; and the unfortunate patrician was stripped and scourged in the public place of Constantinople. For some venial offences, some defect of equity or vigilance, the principal ministers, a præfect, a quæstor, a captain of the guards, were banished or mutilated, or scalded

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with boiling pitch, or burnt alive in the hippodrome; and as these dreadful examples might be the effects of error or caprice, they must have alienated from his service the best and wisest of the citizens. But the pride of the monarch was flattered in the exercise of power, or, as he thought, of virtue; and the people safe in their obscurity, applauded the danger and debasement of their superiors. This extraordinary rigour was justified, in some measure, by its salutary consequences; since, after a scrutiny of seventeen days, not a complaint or abuse could be found in the court or city: and it might be alleged that the Greeks could be ruled only with a rod of iron, and that the public interest is the motive and law of the supreme judge. Yet in the crime, or the suspicion, of treason, that judge is of all others the most credulous and partial. Theophilus might inflict a tardy vengeance on the assassins of Leo and the saviours of his father; but he enjoyed the fruits of their crime; and his jealous tyranny sacrificed a brother and a prince to the future safety of his life. A Persian of the race of the Sassanides died in poverty and exile at Constantinople, leaving an only son, the issue of a plebeian marriage. At the age of twelve years, the royal birth of Theophobus was revealed, and his merit was not unworthy of his birth. He was educated in the Byzantine palace, a Christian and a soldier; advanced with rapid steps in the career of fortune and glory; received the hand of the emperor's sister; and was promoted

promoted to the command of thirty thousand Persians, who, like his father, had fled from the Mahometan conquerors. These troops, doubly infected with mercenary and fanatic vices, were desirous of revolting against their benefactor, and erecting the standard of their native king: but the loyal Theophobus rejected their offers, disconcerted their schemes, and escaped from their hands to the camp or palace of his royal brother. A generous confidence might have secured a faithful and able guardian for his wife and his infant son, to whom Theophilus, in the flower of his age, was compelled to leave the inheritance of the empire. But his jealousy was exasperated by envy and disease: he feared the dangerous virtues which might either support or oppress their infancy and weakness; and the dying emperor demanded the head of the Persian prince. With savage delight, he recognised the familiar features of his brother: "Thou art no longer Theophobus," he said; and, sinking on his couch, he added, with a faltering voice, "Soon, too soon, I shall be no more Theophilus!"

The Russians, who have borrowed from the Greeks the greatest part of their civil and ecclesiastical policy, preserved, till the last century, a singular institution in the marriage of the Czar. They collected, not the virgins of every rank and of every province, a vain and romantic idea, but the daughters of the principal nobles, who awaited in the palace the choice of their sovereign. It is affirmed, that a similar method was

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adopted in the nuptials of Theophilus. With a golden apple in his hand, he slowly walked between two lines of contending beauties: his eye was detained by the charms of Icasia, and, in the awkwardness of a first declaration, the prince could only observe, that, in this world, women had been the cause of much evil: "And surely, sir," she pertly replied, "they have likewise been the occasion of much good." This affectation of unseasonable wit displeased the Imperial lover: he turned aside in disgust; Icasia concealed her mortification in a convent; and the modest silence of Theodora was rewarded with the golden apple. She deserved the love, but did not escape the severity, of her lord. From the palace garden he beheld a vessel deeply laden, and steering into the port: on the discovery that the precious cargo of Syrian luxury was the property of his wife, he condemned the ship to the flames, with a sharp reproach, that her avarice had degraded the character of an empress into that of a merchant. Yet his last choice entrusted her with the guardianship of the empire and her son Michael, who was left an orphan in the fifth year of his age. The restoration of images, and the final extirpation of the Iconoclasts, has endeared her name to the devotion of the Greeks; but in the fervour of religious zeal, Theodora entertained a grateful regard for the memory and salvation of her husband. After thirteen years of a prudent and frugal administration, she perceived the decline of her influence; but the second Irene imitated only the virtues of her predecessor. Instead of conspiring

Michael III.
A. D. 842,
January 20.

against the life or government of her son, she retired, without a struggle though not without a murmur, to the solitude of private life, deploring the ingratitude, the vices, and the inevitable ruin, of the worthless youth.

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Among the successors of Nero and Elagabalus, we have not hitherto found in the imitation of their vices, the character of a Roman prince who considered pleasure as the object of life, and virtue as the enemy of pleasure. Whatever might have been the maternal care of Theodora in the education of Michael the third, her unfortunate son was a king before he was a man. If the ambitious mother laboured to check the progress of reason, she could not cool the ebullition of passion; and her selfish policy was justly repaid by the contempt and ingratitude of the headstrong youth. At the age of eighteen, he rejected her authority, without feeling his own incapacity to govern the empire and himself. With Theodora, all gravity and wisdom retired from the court; their place was supplied by the alternate dominion of vice and folly; and it was impossible, without forfeiting the public esteem, to acquire or preserve the favour of the emperor. The millions of gold and silver which had been accumulated for the service of the state, were lavished on the vilest of men, who flattered his passions and shared his pleasures; and in a reign of thirteen years, the richest of sovereigns was compelled to strip the palace and the churches of their precious furniture. Like Nero, he delighted in the amusements of

C H A P. the theatre, and sighed to be surpassed in the ac-
XLVIII. complishments in which he should have blushed
to excel. Yet the studies of Nero in music and
poetry, betrayed some symptoms of a liberal taste;
the more ignoble arts of the son of Theophilus were
confined to the chariot-race of the hippodrome.
The four factions which had agitated the peace,
still amused the idleness, of the capital: for him-
self, the emperor assumed the blue livery; the
three rival colours were distributed to his favour-
ites, and in the vile though eager contention he
forgot the dignity of his person and the safety of
his dominions. He silenced the messenger of an
invasion, who presumed to divert his attention
in the most critical moment of the race; and by
his command, the importunate beacons were ex-
tinguished, that too frequently spread the alarm
from Tarsus to Constantinople. The most skilful
charioteers obtained the first place in his confid-
ence and esteem; their merit was profusely re-
warded; the emperor feasted in their houses, and
presented their children at the baptismal font; and
while he applauded his own popularity, he affected
to blame the cold and stately reserve of his pre-
decessors. The unnatural lusts which had de-
graded even the manhood of Nero, were banished
from the world; yet the strength of Michael was
consumed by the indulgence of love and intem-
perance. In his midnight revels, when his pas-
sions were inflamed by wine, he was provoked
to issue the most sanguinary commands; and if
any feelings of humanity were left, he was

reduced, with the return of sense, to approve the salutary disobedience of his servants. But the most extraordinary feature in the character of Michael, is the profane mockery of the religion of his country. The superstition of the Greeks might indeed excite the smile of a philosopher: but his smile would have been rational and temperate, and he must have condemned the ignorant folly of a youth who insulted the objects of public veneration. A buffoon of the court was invested in the robes of the patriarch: his twelve metropolitans, among whom the emperor was ranked, assumed their ecclesiastical garments: they used or abused the sacred vessels of the altar; and in their bacchanalian feasts, the holy communion was administered in a nauseous compound of vinegar and mustard. Nor were these impious spectacles concealed from the eyes of the city. On the day of a solemn festival, the emperor, with his bishops or buffoons, rode on asses through the streets, encountered the true patriarch at the head of his clergy; and by their licentious shouts and obscene gestures, disordered the gravity of the Christian procession. The devotion of Michael appeared only in some offence to reason or piety: he received his theatrical crowns from the statue of the Virgin; and an imperial tomb was violated for the sake of burning the bones of Constantine the Iconoclast. By this extravagant conduct, the son of Theophilus became as contemptible as he was odious: every citizen was impatient for the deliverance of his country; and even the favourites

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of the moment were apprehensive that a caprice might snatch away what a caprice had bestowed. In the thirtieth year of his age, and in the hour of intoxication and sleep, Michael the third was murdered in his chamber by the founder of a new dynasty, whom the emperor had raised to an equality of rank and power.

Basil I. the
Macedonian,
A. D. 867
Sept. 24.

The genealogy of Basil the Macedonian (if it be not the spurious offspring of pride and flattery) exhibits a genuine picture of the revolution of the most illustrious families. The Arfacides, the rivals of Rome, possessed the sceptre of the East near four hundred years: a younger branch of these Parthian kings continued to reign in Armenia; and their royal descendants survived the partition and servitude of that ancient monarchy. Two of these, Artabanus and Chlienes, escaped or retired to the court of Leo the first: his bounty seated them in a safe and hospitable exile, in the province of Macedonia: Adrianople was their final settlement. During several generations they maintained the dignity of their birth; and their Roman patriotism rejected the tempting offers of the Persian and Arabian powers, who recalled them to their native country. But their splendour was insensibly clouded by time and poverty; and the father of Basil was reduced to a small farm, which he cultivated with his own hands: yet he scorned to disgrace the blood of the Arfacides by a plebeian alliance; his wife, a widow of Adrianople, was pleased to count among her ancestors, the great Constantine; and their royal infant was connected

by some dark affinity of lineage or country with the Macedonian Alexander. No sooner was he born, than the cradle of Basil, his family, and his city, were swept away by an inundation of the Bulgarians: he was educated a slave in a foreign land; and in this severe discipline, he acquired the hardiness of body and flexibility of mind which promoted his future elevation. In the age of youth or manhood he shared the deliverance of the Roman captives, who generously broke their fetters, marched through Bulgaria to the shores of the Euxine, defeated two armies of Barbarians, embarked in the ships which had been stationed for their reception, and returned to Constantinople, from whence they were distributed to their respective homes. But the freedom of Basil was naked and destitute: his farm was ruined by the calamities of war: after his father's death, his manual labour, or service, could no longer support a family of orphans; and he resolved to seek a more conspicuous theatre, in which every virtue and every vice may lead to the paths of greatness. The first night of his arrival at Constantinople, without friends or money, the weary pilgrim slept on the steps of the church of St. Diomede: he was fed by the casual hospitality of a monk; and was introduced to the service of a cousin and namesake of the emperor Theophilus; who, though himself of a diminutive person, was always followed by a train of tall and handsome domestics. Basil attended his patron to the government of Peloponnesus,

C H A P. eclipsed, by his personal merit, the birth and
 XLVIII. dignity of Theophilus, and formed an useful
 connection with a wealthy and charitable matron
 of Patras. Her spiritual or carnal love embraced
 the young adventurer, whom she adopted as her
 son. Danielis presented him with thirty slaves;
 and the produce of her bounty was expended in
 the support of his brothers, and the purchase of
 some large estates in Macedonia. His gratitude or
 ambition still attached him to the service of
 Theophilus; and a lucky accident recommended
 him to the notice of the court. A famous wres-
 tler, in the train of the Bulgarian ambassadors,
 had defied, at the royal banquet, the boldest
 and most robust of the Greeks. The strength of
 Basil was praised; he accepted the challenge;
 and the Barbarian champion was overthrown at
 the first onset. A beautiful but vicious horse
 was condemned to be hamstrung: it was subdued
 by the dexterity and courage of the servant of
 Theophilus; and his conqueror was promoted
 to an honourable rank in the Imperial stables.
 But it was impossible to obtain the confidence
 of Michael, without complying with his vices;
 and his new favourite, the great chamberlain of
 the palace, was raised and supported by a dis-
 graceful marriage with a royal concubine, and
 the dishonour of his sister, who succeeded to
 her place. The public administration had been
 abandoned to the Cæsar Bardas, the brother
 and enemy of Theodora; but the arts of female
 influence persuaded Michael to hate and to fear

his uncle : he was drawn from Constantinople , under the pretence of a Cretan expedition , and stabbed in the tent of audience , by the sword of the chamberlain , and in the presence of the emperor. About a month after this execution, Basil was invested with the title of Augustus and the government of the empire. He supported this unequal association till his influence was fortified by popular esteem. His life was endangered by the caprice of the emperor ; and his dignity was profaned by a second colleague , who had rowed in the galleys. Yet the murder of his benefactor must be condemned as an act of ingratitude and treason ; and the churches which he dedicated to the name of St. Michael , were a poor and puerile expiation of his guilt.

The different ages of Basil the first , may be compared with those of Augustus. The situation of the Greek did not allow him in his earliest youth to lead an army against his country , or to proscribe the noblest of her sons ; but his aspiring genius stooped to the arts of a slave ; he dissembled his ambition and even his virtues , and grasped , with the bloody hand of an assassin , the empire which he ruled with the wisdom and tenderness of a parent. A private citizen may feel his interest repugnant to his duty ; but it must be from a deficiency of sense or courage , that an absolute monarch can separate his happiness from his glory , or his glory from the public welfare. The life or panegyric of Basil has indeed been composed and published under the long

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reign of his descendants; but even their stability on the throne may be justly ascribed to the superior merit of their ancestor. In his character, his grandson Constantine has attempted to delineate a perfect image of royalty: but that feeble prince, unless he had copied a real model, could not easily have soared so high above the level of his own conduct or conceptions. But the most solid praise of Basil is drawn from the comparison of a ruined and a flourishing monarchy, that which he wrested from the dissolute Michael, and that which he bequeathed to the Macedonian dynasty. The evils which had been sanctified by time and example, were corrected by his master-hand; and he revived, if not the national spirit, at least the order and majesty of the Roman empire. His application was indefatigable, his temper cool, his understanding vigorous and decisive; and in his practice he observed that rare and salutary moderation, which pursues each virtue, at an equal distance between the opposite vices. His military service had been confined to the palace; nor was the emperor endowed with the spirit or the talents of a warrior. Yet under his reign the Roman arms were again formidable to the Barbarians. As soon as he had formed a new army by discipline and exercise, he appeared in person on the banks of the Euphrates, curbed the pride of the Saracens, and suppressed the dangerous though just revolt of the Manichæans. His indignation against a rebel who had long eluded his pursuit, provoked him to wish and

to pray, that, by the grace of God, he might drive three arrows into the head of Chrysochir. That odious head, which had been obtained by treason rather than by valour, was suspended from a tree, and thrice exposed to the dexterity of the Imperial archer: a base revenge against the dead, more worthy of the times, than of the character of Basil. But his principal merit was in the civil administration of the finances and of the laws. To replenish an exhausted treasury, it was proposed to resume the lavish and ill-placed gifts of his predecessor: his prudence abated one moiety of the restitution; and a sum of twelve hundred thousand pounds was instantly procured to answer the most pressing demands, and to allow some space for the mature operations of œconomy. Among the various schemes for the improvement of the revenue, a new mode was suggested of capitation, or tribute, which would have too much depended on the arbitrary discretion of the assessors. A sufficient list of honest and able agents was instantly produced by the minister; but on the more careful scrutiny of Basil himself, only two could be found, who might be safely entrusted with such dangerous powers; and they justified his esteem by declining his confidence. But the serious and successful diligence of the emperor established by degrees an equitable balance of property and payment, of receipt and expenditure: a peculiar fund was appropriated to each service; and a public method secured the interest

CHAP. of the prince and the property of the people.
 XLVIII. After reforming the luxury, he assigned two patrimonial estates to supply the decent plenty, of the Imperial table: the contributions of the subject were reserved for his defence; and the residue was employed in the embellishment of the capital and provinces. A taste for building, however costly, may deserve some praise and much excuse: from thence industry is fed, art is encouraged, and some object is attained of public emolument or pleasure: the use of a road, an aqueduct, or an hospital, is obvious and solid; and the hundred churches that arose by the command of Basil, were consecrated to the devotion of the age. In the character of a judge, he was assiduous and impartial; desirous to save, but not afraid to strike: the oppressors of the people were severely chastised; but his personal foes, whom it might be unsafe to pardon, were condemned, after the loss of their eyes, to a life of solitude and repentance. The change of language and manners demanded a revision of the obsolete jurisprudence of Justinian: the voluminous body of his Institutes, Pandects, Code, and Novels, was digested under forty titles, in the Greek idiom; and the *Basilics*, which were improved and completed by his son and grandson, must be referred to the original genius of the founder of their race. This glorious reign was terminated by an accident in the chace. A furious stag entangled his horns in the belt of Basil, and raised him from his horse: he was

rescued by an attendant, who cut the belt and slew the animal; but the fall, or the fever, exhausted the strength of the aged monarch, and he expired in the palace, amidst the tears of his family and people. If he struck off the head of the faithful servant, for presuming to draw his sword against his sovereign; the pride of despotism, which had lain dormant in his life, revived in the last moments of despair, when he no longer wanted or valued the opinion of mankind.

Of the four sons of the emperor, Constantine died before his father, whose grief and credulity were amused by a flattering impostor and a vain apparition. Stephen, the youngest, was content with the honours of a patriarch and a saint; both Leo and Alexander were alike invested with the purple, but the powers of government were solely exercised by the elder brother. The name of Leo the sixth has been dignified with the title of *philosopher*; and the union of the prince and the sage, of the active and speculative virtues, would indeed constitute the perfection of human nature. But the claims of Leo are far short of this ideal excellence. Did he reduce his passions and appetites under the dominion of reason? His life was spent in the pomp of the palace, in the society of his wives and concubines; and even the clemency which he shewed, and the peace which he strove to preserve, must be imputed to the softness and indolence of his character. Did he subdue his prejudices, and those of his subjects? His mind was tinged with the most puerile

Leo VI. the
Philosopher,
A. D. 886,
March 1.

CHAPTER. superstition; the influence of the clergy, and the
 XLIII. errors of the people, were consecrated by his laws; and the oracles of Leo, which reveal, in prophetic style, the fates of the empire, are founded on the arts of astrology and divination. If we still enquire the reason of his sage appellation, it can only be replied, that the son of Basil was less ignorant than the greater part of his contemporaries in church and state; that his education had been directed by the learned Photius; and that several books of profane and ecclesiastical science were composed by the pen, or in the name, of the Imperial *philosopher*. But the reputation of his philosophy and religion was overthrown by a domestic vice, the repetition of his nuptials. The primitive ideas of the merit and holiness of celibacy, were preached by the monks and entertained by the Greeks. Marriage was allowed as a necessary means for the propagation of mankind; after the death of either party, the survivor might satisfy by a *second* union, the weakness or the strength of the flesh: but a *third* marriage was censured as a state of legal fornication; and a *fourth* was a sin or scandal as yet unknown to the Christians of the East. In the beginning of his reign, Leo himself had abolished the state of concubines, and condemned, without annulling, third marriages: but his patriotism and love soon compelled him to violate his own laws, and to incur the penance, which in a similar case he had imposed on his subjects. In his three first alliances, his nuptial bed was unfruitful; the emperor re-

quired a female companion, and the empire a legitimate heir. The beautiful Zoe was introduced into the palace as a concubine; and after a trial of her fecundity, and the birth of Constantine, her lover declared his intention of legitimating the mother and the child, by the celebration of his fourth nuptials. But the patriarch Nicholas refused his blessing: the Imperial baptism of the young prince was obtained by a promise of separation; and the contumacious husband of Zoe was excluded from the communion of the faithful. Neither the fear of exile, nor the desertion of his brethren, nor the authority of the Latin church, nor the danger of failure or doubt in the succession to the empire, could bend the spirit of the inflexible monk. After the death of Leo, he was recalled from exile to the civil and ecclesiastical administration; and the edict of union which was promulgated in the name of Constantine, condemned the future scandal of fourth marriages, and left a tacit imputation on his own birth.

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In the Greek language, *purple* and *porphyry* are the same word: and as the colours of nature are invariable, we may learn, that a dark deep red was the Tyrian dye which stained the purple of the ancients. An apartment of the Byzantine palace was lined with porphyry: it was reserved for the use of the pregnant empresses; and the royal birth of their children was expressed by the appellation of *porphyrogenite*, or born in the purple. Several of the Roman princes had been blessed

Alexander,
Constantine VII.
Porphyrogenitus,
A. D. 911,
May 11.

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with an heir; but this peculiar surname was first applied to Constantine the seventh. His life and titular reign were of equal duration; but of fifty-four years, six had elapsed before his father's death; and the son of Leo was ever the voluntary or reluctant subject of those who oppressed his weakness or abused his confidence. His uncle Alexander, who had long been invested with the title of Augustus, was the first colleague and governor of the young prince: but in a rapid career of vice and folly, the brother of Leo already emulated the reputation of Michael; and when he was extinguished by a timely death, he entertained a project of castrating his nephew, and leaving the empire to a worthless favourite. The succeeding years of the minority of Constantine were occupied by his mother Zoe, and a succession or council of seven regents, who pursued their interest, gratified their passions, abandoned the republic, supplanted each other, and finally vanished in the presence of a soldier. From an obscure origin, Romanus Lecapenus had raised himself to the command of the naval armies; and in the anarchy of the times, had deserved, or at least had obtained, the national esteem. With a victorious and affectionate fleet, he sailed from the mouth of the Danube into the harbour of Constantinople, and was hailed as the deliverer of the people, and the guardian of the prince. His supreme office was at first defined by the new appellation of father of the emperor; but Romanus soon disdained the subordinate powers of a minister, and

and assumed, with the titles of Cæsar and Augustus, the full independence of royalty, which he held near five and twenty years. His three sons, Christopher, Stephen, and Constantine, were successively adorned with the same honours, and the lawful emperor was degraded from the first to the fifth rank in this college of princes. Yet, in the preservation of his life and crown, he might still applaud his own fortune and the clemency of the usurper. The examples of ancient and modern history would have excused the ambition of Romanus: the powers and the laws of the empire were in his hand; the spurious birth of Constantine would have justified his exclusion; and the grave or the monastery was open to receive the son of the concubine. But Lecapenus does not appear to have possessed either the virtues or the vices of a tyrant. The spirit and activity of his private life dissolved away in the sunshine of the throne; and in his licentious pleasures, he forgot the safety both of the republic and of his family. Of a mild and religious character, he respected the sanctity of oaths, the innocence of the youth, the memory of his parents and the attachment of the people. The studious temper and retirement of Constantine, disarmed the jealousy of power: his books and music, his pen and his pencil, were a constant source of amusement; and if he could improve a scanty allowance by the sale of his pictures, if their price was not enhanced by the

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Romanus I.
Lecapenus,
A. D. 919,
Dec. 24.
Christopher,
Stephen,
Constantine VIII.

CHAP. XLVIII. name of the artist, he was endowed with a personal talent, which few princes could employ in the hour of adversity.

Constantine VII.
A. D. 945,
January 27.

The fall of Romanus was occasioned by his own vices and those of his children. After the decease of Christopher, his eldest son, the two surviving brothers quarrelled with each other, and conspired against their father. At the hour of noon, when all strangers were regularly excluded from the palace, they entered his apartment with an armed force, and conveyed him, in the habit of a monk, to a small island in the Propontis, which was peopled by a religious community. The rumour of this domestic revolution excited a tumult in the city; but Porphyrogenitus alone, the true and lawful emperor, was the object of the public care; and the sons of Lecapenus were taught, by tardy experience, that they had atchieved a guilty and perilous enterprise for the benefit of their rival. Their sister Helena, the wife of Constantine, revealed, or supposed, their treacherous design of assassinating her husband at the royal banquet. His loyal adherents were alarmed; and the two usurpers were prevented, seized, degraded from the purple, and embarked for the same island and monastery where their father had been so lately confined. Old Romanus met them on the beach with a sarcastic smile, and, after a just reproach of their folly and ingratitude, presented his Imperial colleagues with an equal share of his water and vegetable diet. In the fortieth year of his reign,

Constantine the seventh obtained the possession of the Eastern world, which he ruled, or seemed to rule, near fifteen years. But he was devoid of that energy of character which could emerge into a life of action and glory; and the studies which had amused and dignified his leisure, were incompatible with the serious duties of a sovereign. The emperor neglected the practice, to instruct his son Romanus in the theory, of government: while he indulged the habits of intemperance and sloth, he dropt the reins of the administration into the hands of Helena his wife; and, in the shifting scene of her favour and caprice, each minister was regretted in the promotion of a more worthless successor. Yet the birth and misfortunes of Constantine had endeared him to the Greeks; they excused his failings; they respected his learning, his innocence, and charity, his love of justice; and the ceremony of his funeral was mourned with the unfeigned tears of his subjects. The body, according to ancient custom, lay in state in the vestibule of the palace; and the civil and military officers, the patricians, the senate, and the clergy, approached in due order to adore and kiss the inanimate corpse of their sovereign. Before the procession moved towards the Imperial sepulchre, an herald proclaimed this awful admonition: "Arise, O king of the world, and obey the summons of the King of kings!"

The death of Constantine was imputed to poison; and his son Romanus, who derived that name from his maternal grandfather, ascended

Romanus II.
junior,
A. D. 959,
Nov. 15.

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the throne of Constantinople. A prince who, at the age of twenty, could be suspected of anticipating his inheritance, must have been already lost in the public esteem; yet Romanus was rather weak than wicked; and the largest share of the guilt was transferred to his wife, Theophano, a woman of base origin, masculine spirit, and flagitious manners. The sense of personal glory and public happiness, the true pleasures of royalty, were unknown to the son of Constantine; and, while the two brothers, Nicephorus and Leo, triumphed over the Saracens, the hours which the emperor owed to his people were consumed in strenuous idleness. In the morning he visited the circus; at noon he feasted the senators; the greater part of the afternoon he spent in the *spharisterium*, or tennis-court, the only theatre of his victories; from thence he passed over to the Asiatic side of the Bosphorus, hunted and killed four wild boars of the largest size, and returned to the palace, proudly content with the labours of the day. In strength and beauty he was conspicuous above his equals: tall and straight as a young cypress, his complexion was fair and florid, his eyes sparkling, his shoulders broad, his nose long and aquiline. Yet even these perfections were insufficient to fix the love of Theophano; and, after a reign of four years, she mingled for her husband the same deadly draught which she had composed for his father.

Nicepho-
rus II.
Phocas,

By his marriage with this impious woman, Romanus the younger left two sons, Basil the

second and Constantine the ninth, and two daughters, Theophano and Anne. The eldest sister was given to Otho the second, emperor of the West; the younger became the wife of Wolodomir, great duke and apostle of Russia, and, by the marriage of her granddaughter with Henry the first, king of France, the blood of the Macedonians, and perhaps of the Arfacides, still flows in the veins of the Bourbon line. After the death of her husband, the empress aspired to reign in the name of her sons, the elder of whom was five, and the younger only two, years of age; but she soon felt the instability of a throne, which was supported by a female who could not be esteemed, and two infants who could not be feared. Theophano looked around for a protector, and threw herself into the arms of the bravest soldier; her heart was capacious; but the deformity of the new favourite rendered it more than probable that interest was the motive and excuse of her love. Nicephorus Phocas united, in the popular opinion, the double merit of an hero and a saint. In the former character, his qualifications were genuine and splendid: the descendant of a race, illustrious by their military exploits, he had displayed, in every station and in every province, the courage of a soldier and the conduct of a chief; and Nicephorus was crowned with recent laurels, from the important conquest of the isle of Crete. His religion was of a more ambiguous cast; and his haircloth, his fasts, his pious idiom,

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and his wish to retire from the business of the world, were a convenient mask for his dark and dangerous ambition. Yet he imposed on an holy patriarch, by whose influence, and by a decree of the senate, he was entrusted, during the minority of the young princes, with the absolute and independent command of the Oriental armies. As soon as he had secured the leaders and the troops, he boldly marched to Constantinople, trampled on his enemies, avowed his correspondence with the empress, and, without degrading her sons, assumed with the title of Augustus, the pre-eminence of rank and the plenitude of power. But his marriage with Theophano was refused by the same patriarch who had placed the crown on his head; by his second nuptials he incurred a year of canonical penance; a bar of spiritual affinity was opposed to their celebration; and some evasion and perjury were required to silence the scruples of the clergy and people. The popularity of the emperor was lost in the purple: in a reign of six years he provoked the hatred of strangers and subjects; and the hypocrisy and avarice of the first Nicephorus were revived in his successor. Hypocrisy I shall never justify or palliate; but I will dare to observe, that the odious vice of avarice is of all others most hastily arraigned, and most unmercifully condemned. In a private citizen, our judgment seldom expects an accurate scrutiny into his fortune and expence; and in a steward of the public treasure, frugality is always a virtue, and the encrease of

taxes too often an indispensable duty. In the use of his patrimony, the generous temper of Nicephorus had been proved; and the revenue was strictly applied to the service of the state: each spring the emperor marched in person against the Saracens; and every Roman might compute the employment of his taxes in triumphs, conquests, and the security of the Eastern barrier.

Among the warriors who promoted his elevation, and served under his standard, a noble and valiant Armenian had deserved and obtained the most eminent rewards. The stature of John Zimisces was below the ordinary standard; but this diminutive body was endowed with strength, beauty, and the soul of an hero. By the jealousy of the emperor's brother, he was degraded from the office of general of the East, to that of director of the posts, and his murmurs were chastised with disgrace and exile. But Zimisces was ranked among the numerous lovers of the empress: on her intercession, he was permitted to reside at Chalcedon, in the neighbourhood of the capital: her bounty was repaid in his clandestine and amorous visits to the palace; and Theophano consented, with alacrity, to the death of an ugly and penurious husband. Some bold and trusty conspirators were concealed in her most private chambers: in the darkness of a winter night, Zimisces, with his principal companions, embarked in a small boat, traversed the Bosphorus, landed at the palace stairs, and silently ascended a ladder of ropes, which was

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John Zimisces, Basil II, Constantine IX. A. D. 969, Dec. 25.

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prostitution, in proclaiming the illegitimacy of his birth. The public indignation was appeased by her exile, and the punishment of the meaner accomplices: the death of an unpopular prince was forgiven; and the guilt of Zimisces was forgotten in the splendour of his virtues. Perhaps his profusion was less useful to the state than the avarice of Nicephorus; but his gentle and generous behaviour delighted all who approached his person; and it was only in the paths of victory that he trod in the footsteps of his predecessor. The greatest part of his reign was employed in the camp and the field: his personal valour and activity were signalized on the Danube and the Tigris, the ancient boundaries of the Roman world; and by his double triumph over the Russians and the Saracens, he deserved the titles of saviour of the empire, and conqueror of the East. In his last return from Syria, he observed that the most fruitful lands of his new provinces were possessed by the eunuchs. "And is it for them," he exclaimed, with honest indignation, "that we have fought and conquered? Is it for them that we shed our blood, and exhaust the treasures of our people?" The complaint was re-echoed to the palace, and the death of Zimisces is strongly marked with the suspicion of poison.

Under this usurpation, or regency, of twelve years, the two lawful emperors, Basil and Constantine, had silently grown to the age of manhood. Their tender years had been incapable

Basil II. and
Constantine IX.
A. D. 976,
January 10.

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of dominion: the respectful modesty of their attendance and salutation, was due to the age and merit of their guardians: the childless ambition of those guardians had no temptation to violate their right of succession: their patrimony was ably and faithfully administered; and the premature death of Zimisces was a loss, rather than a benefit, to the sons of Romanus. Their want of experience detained them twelve years longer the obscure and voluntary pupils of a minister, who extended his reign by persuading them to indulge the pleasures of youth, and to disdain the labours of government. In this silken web, the weakness of Constantine was for ever entangled; but his elder brother felt the impulse of genius and the desire of action; he frowned, and the minister was no more. Basil was the acknowledged sovereign of Constantinople and the provinces of Europe; but Asia was oppressed by two veteran generals, Phocas and Sclerus, who, alternately friends and enemies, subjects and rebels, maintained their independence, and laboured to emulate the example of successful usurpation. Against these domestic enemies, the son of Romanus first drew his sword, and they trembled in the presence of a lawful and high-spirited prince. The first in the front of battle was thrown from his horse, by the stroke of poison, or an arrow: the second, who had been twice loaded with chains, and twice invested with the purple, was desirous of ending in peace the small remainder of his days. As the aged

suppliant approached the throne, with dim eyes and faltering steps, leaning on his two attendants, the emperor exclaimed, in the insolence of youth and power, "And is this the man who has so long been the object of our terror?" After he had confirmed his own authority, and the peace of the empire, the trophies of Nicephorus and Zimisces would not suffer their royal pupil to sleep in the palace. His long and frequent expeditions against the Saracens were rather glorious, than useful to the empire; but the final destruction of the kingdom of Bulgaria appears, since the time of Belisarius, the most important triumph of the Roman arms. Yet instead of applauding their victorious prince, his subjects detested the rapacious and rigid avarice of Basil; and in the imperfect narrative of his exploits, we can only discern the courage, patience, and ferociousness, of a foldier. A vicious education, which could not subdue his spirit, had clouded his mind; he was ignorant of every science; and the remembrance of his learned and feeble grandfire might encourage his real or affected contempt of laws and lawyers, of artists and arts. Of such a character, in such an age, superstition took a firm and lasting possession; after the first licence of his youth, Basil the second devoted his life, in the palace and the camp, to the penance of an hermit, wore the monastic habit under his robes and armour, observed a vow of continence, and imposed on his appetites a perpetual abstinence from wine and flesh. In the sixty-eighth year of

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Constan-
tine IX.

A. D. 1025,
December.

his age, his martial spirit urged him to embark in person for a holy war against the Saracens of Sicily; he was prevented by death, and Basil, surnamed the Slayer of the Bulgarians, was dismissed from the world, with the blessings of the clergy and the curses of the people. After his decease, his brother Constantine enjoyed, about three years, the power, or rather the pleasures, of royalty; and his only care was the settlement of the succession. He had enjoyed, sixty-six years, the title of Augustus; and the reign of the two brothers is the longest, and most obscure, of the Byzantine history.

Romanus III.
Argyrus,
A. D. 1028,
Nov. 12.

A lineal succession of five emperors, in a period of an hundred and sixty years, had attached the loyalty of the Greeks to the Macedonian dynasty, which had been thrice respected by the usurpers of their power. After the death of Constantine the ninth, the last male of the royal race, a new and broken scene presents itself, and the accumulated years of twelve emperors do not equal the space of his single reign. His elder brother had preferred his private chastity to the public interest, and Constantine himself had only three daughters; Eudocia, who took the veil, and Zoe and Theodora, who were preserved till a mature age in a state of ignorance and virginity. When their marriage was discussed in the council of their dying father, the cold or pious Theodora refused to give an heir to the empire, but her sister Zoe presented herself a willing victim at the altar. Romanus Argyrus, a patrician of a

graceful person and fair reputation, was chosen for her husband, and, on his declining that honour, was informed, that blindness or death was the second alternative. The motive of his reluctance was conjugal affection, but his faithful wife sacrificed her own happiness to his safety and greatness; and her entrance into a monastery removed the only bar to the Imperial nuptials. After the decease of Constantine, the sceptre devolved to Romanus the third; but his labours at home and abroad were equally feeble and fruitless; and the mature age, the forty-eight years of Zoe, were less favourable to the hopes of pregnancy than to the indulgence of pleasure. Her favourite chamberlain was an handsome Paphlagonian of the name of Michael, whose first trade had been that of a money-changer; and Romanus, either from gratitude or equity, connived at their criminal intercourse, or accepted a slight assurance of their innocence. But Zoe soon justified the Roman maxim, that every adulteress is capable of poisoning her husband; and the death of Romanus was instantly followed by the scandalous marriage and elevation of Michael the fourth. The expectations of Zoe were however disappointed: instead of a vigorous and grateful lover, she had placed in her bed, a miserable wretch, whose health and reason were impaired by epileptic fits, and whose conscience was tormented by despair and remorse. The most skilful physicians of the mind and body were summoned to his aid; and his hopes were amused by

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Michael IV.
the Paphla-
gonian, A.
A. D. 1034.
April 11.

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frequent pilgrimages to the baths, and to the tombs of the most popular saints; the monks applauded his penance, and, except restitution (but to whom should he have restored?) Michael sought every method of expiating his guilt. While he groaned and prayed in sackcloth and ashes, his brother, the eunuch John, smiled at his remorse, and enjoyed the harvest of a crime of which himself was the secret and most guilty author. His administration was only the art of satiating his avarice, and Zoe became a captive in the palace of her fathers and in the hands of her slaves. When he perceived the irretrievable decline of his brother's health, he introduced his nephew, another Michael, who derived his surname of Calaphates from his father's occupation in the careening of vessels: at the command of the eunuch, Zoe adopted for her son, the son of a mechanic; and this fictitious heir was invested with the title and purple of the Cæsars, in the presence of the senate and clergy. So feeble was the character of Zoe, that she was oppressed by the liberty and power which she recovered by the death of the Paphlagonian; and at the end of four days, she placed the crown on the head of Michael the fifth, who had protested, with tears and oaths, that he should ever reign the first and most obedient of her subjects. The only act of his short reign, was his base ingratitude to his benefactors, the eunuch and the empress. The disgrace of the former was pleasing to the public; but the murmurs, and at length the

Michael V.
Calaphates,
A. D. 1041,
Dec. 14.

clamours, of Constantinople deplored the exile of Zoe, the daughter of so many emperors; her vices were forgotten, and Michael was taught, that there is a period in which the patience of the tamest slaves rises into fury and revenge. The citizens of every degree assembled in a formidable tumult which lasted three days; they besieged the palace, forced the gates, recalled their *mothers*, Zoe from her prison, Theodora from her monastery, and condemned the son of Calaphates to the loss of his eyes or of his life. For the first time, the Greeks beheld with surprise the two royal sisters seated on the same throne, presiding in the senate, and giving audience to the ambassadors of the nations. But this singular union subsisted no more than two months; the two sovereigns, their tempers, interests, and adherents, were secretly hostile to each other; and as Theodora was still averse to marriage, the indefatigable Zoe, at the age of sixty, consented, for the public good, to sustain the embraces of a third husband, and the censures of the Greek church. His name and number were Constantine the tenth, and the epithet of *Monomachus*, the single combatant, must have been expressive of his valour and victory in some public or private quarrel. But his health was broken by the tortures of the gout, and his dissolute reign was spent in the alternative of sickness and pleasure. A fair and noble widow had accompanied Constantine in his exile to the isle of Lesbos, and Sclerena gloried in the appellation of his mistress. After his marriage

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Zoe and
Theodora,
A. D. 1042,
April 21.

Constantine X.
Monomachus,
A. D. 1042,
June 11.

CHAP. and elevation, she was invested with the title
 XLVIII. and pomp of *Augusta*, and occupied a contiguous
 apartment in the palace. The lawful consort (such
 was the delicacy or corruption of Zoe) consented
 to this strange and scandalous partition; and the
 emperor appeared in public between his wife
 and his concubine. He survived them both; but
 the last measures of Constantine to change the
 order of succession were prevented by the more
 vigilant friends of Theodora; and after his
 decease, she resumed, with the general consent,
 the possession of her inheritance. In her name,
 and by the influence of four eunuchs, the Eastern
 world was peaceably governed about nineteen
 months; and as they wished to prolong their
 dominion, they persuaded the aged princess to
 nominate for her successor Michael the sixth.
 The surname of *Stratioticus* declares his military
 profession; but the crazy and decrepit veteran
 could only see with the eyes, and execute with
 the hands, of his ministers. Whilst he ascended
 the throne, Theodora sunk into the grave; the
 last of the Macedonian or Basilian dynasty. I have
 hastily reviewed, and gladly dismiss, this shame-
 ful and destructive period of twenty-eight years,
 in which the Greeks, degraded below the com-
 mon level of servitude, were transferred like a
 herd of cattle by the choice or caprice of two
 impotent females.

Theodora,
 A. D. 1054,
 Nov. 30.

Michael VI.
 Stratioticus,
 A. D. 1056,
 August 22.

Isaac I.
 Comnenus,
 A. D. 1057,
 August 31.

From this night of slavery, a ray of freedom,
 or at least of spirit, begins to emerge: the Greeks
 either preserved or revived the use of surnames,
 which

which perpetuate the fame of hereditary virtue ; and we now discern the rise , fucceffion , and alliances of the laft dynafties of Conftantinople and Trebizond. The *Comneni* , who upheld for a while the fate of the finking empire , affumed the honour of a Roman origin : but the family had been long fince transported from Italy to Afia. Their patrimonial eftate was fituatè in the diftrict of Caftamona in the neighbourhood of the Euxine ; and one of their chiefs , who had already entered the paths of ambition , revifited with affection , perhaps with regret , the modèft though honourable dwelling of his fathers. The firft of their line was the illufterious Manuel , who , in the reign of the fecond Bafil , contributed by war and treaty to appeafe the troubles of the Eaft : he left in a tender age , two fons , Ifaac and John , whom , with the confcioufnefs of defert , he bequeathed to the gratitude and favour of his fovereign. The noble youths were carefully trained in the learning of the monastery , the arts of the palace , and the exercifes of the camp : and from the domeftic fervice of the guards , they were rapidly promoted to the command of provinces and armies. Their fraternal union doubled the force and reputation of the *Comneni* , and their ancient nobility was illufterated by the marriage of the two brothers , with a captive princefs of Bulgaria , and the daughter of a patrician , who had obtained the name of *Charon* from the number of enemies whom he had fent to the infernal fhades. The

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C H A P. soldiers had served with reluctant loyalty a series
XLVIII. of effeminate masters; the elevation of Michael the sixth was a personal insult to the more deserving generals; and their discontent was inflamed by the parsimony of the emperor and the insolence of the eunuchs. They secretly assembled in the sanctuary of St. Sophia, and the votes of the military synod would have been unanimous in favour of the old and valiant Catacalon, if the patriotism or modesty of the veteran had not suggested the importance of birth as well as merit in the choice of a sovereign. Isaac Comnenus was approved by general consent, and the associates separated without delay to meet in the plains of Phrygia at the head of their respective squadrons and detachments. The cause of Michael was defended in a single battle by the mercenaries of the Imperial guard, who were aliens to the public interest, and animated only by a principle of honour and gratitude. After their defeat, the fears of the emperor solicited a treaty, which was almost accepted by the moderation of the Comnenian. But the former was betrayed by his ambassadors, and the latter was prevented by his friends. The solitary Michael submitted to the voice of the people; the patriarch annulled their oath of allegiance; and as he shaved the head of the royal monk, congratulated his beneficial exchange of temporal royalty for the kingdom of heaven: an exchange, however, which the priest, on his own account, would probably have declined. By the hands of the same patriarch, Isaac Comnenus was solemnly

crowned: the sword which he inscribed on his coins, might be an offensive symbol, if it implied his title by conquest; but this sword would have been drawn against the foreign and domestic enemies of the state. The decline of his health and vigour suspended the operation of active virtue; and the prospect of approaching death determined him to interpose some moments between life and eternity. But instead of leaving the empire as the marriage portion of his daughter, his reason and inclination concurred in the preference of his brother John, a soldier, a patriot, and the father of five sons, the future pillars of an hereditary succession. His first modest reluctance might be the natural dictates of discretion and tenderness, but his obstinate and successful perseverance, however it may dazzle with the shew of virtue, must be censured as a criminal desertion of his duty, and a rare offence against his family and country. The purple which he had refused was accepted by Constantine Ducas, a friend of the Comnenian house, and whose noble birth was adorned with the experience and reputation of civil policy. In the monastic habit, Isaac recovered his health, and survived two years his voluntary abdication. At the command of his abbot, he observed the rule of St. Basil, and executed the most servile offices of the convent: but his latent vanity was gratified by the frequent and respectful visits of the reigning monarch, who revered in his person the character of a benefactor and a saint.

C H A P.

XLVIII.

Constantine XI.

Ducas,

A. D. 1059,

Dec. 25.

Eudocia,

A. D. 1067,

May.

If Constantine the eleventh were indeed the subject most worthy of empire, we must pity the debasement of the age and nation in which he was chosen. In the labour of puerile declamations he sought, without obtaining, the crown of eloquence, more precious, in his opinion, than that of Rome; and, in the subordinate functions of a judge, he forgot the duties of a sovereign and a warrior. Far from imitating the patriotic indifference of the authors of his greatness, Ducas was anxious only to secure, at the expence of the republic, the power and prosperity of his children. His three sons, Michael the seventh, Andronicus the first, and Constantine the twelfth, were invested, in a tender age, with the equal title of Augustus; and the succession was speedily opened by their father's death. His widow, Eudocia, was entrusted with the administration; but experience had taught the jealousy of the dying monarch to protect his sons from the danger of her second nuptials; and her solemn engagement, attested by the principal senators, was deposited in the hands of the patriarch. Before the end of seven months, the wants of Eudocia, or those of the state, called aloud for the male virtues of a soldier; and her heart had already chosen Romanus Diogenes, whom she raised from the scaffold to the throne. The discovery of a treasonable attempt had exposed him to the severity of the laws: his beauty and valour absolved him in the eyes of the empress; and Romanus, from a mild exile, was recalled

on the second day to the command of the Oriental armies. Her royal choice was yet unknown to the public; and the promise which would have betrayed her falsehood and levity, was stolen by a dextrous emissary from the ambition of the patriarch. Xiphilin at first alleged the sanctity of oaths and the sacred nature of a trust; but a whisper, that his brother was the future emperor, relaxed his scruples, and forced him to confess that the public safety was the supreme law. He resigned the important paper; and when his hopes were confounded by the nomination of Romanus, he could no longer regain his security, retract his declarations, nor oppose the second nuptials of the empress. Yet a murmur was heard in the palace; and the Barbarian guards had raised their battle-axes in the cause of the house of Ducas, till the young princes were soothed by the tears of their mother and the solemn assurances of the fidelity of their guardian, who filled the Imperial station with dignity and honour. Hereafter I shall relate his valiant, but unsuccessful, efforts to resist the progress of the Turks. His defeat and captivity inflicted a deadly wound on the Byzantine monarchy of the East; and after he was released from the chains of the sultan, he vainly sought his wife and his subjects. His wife had been thrust into a monastery, and the subjects of Romanus had embraced the rigid maxim of the civil law, that a prisoner in the hands of the enemy is deprived, as by the stroke of death, of

Romanus III.
Diogenes,
A. D. 1067,
August.

C H A P. all the public and private rights of a citizen.
 XLVIII. In the general consternation, the Cæsar John
 Michael VII. asserted the indefeasible right of his three ne-
 Parapinaces, phews: Constantinople listened to his voice; and
 Andronicus I. the Turkish captive was proclaimed in the ca-
 Constan- pital, and received on the frontier, as an enemy
 tine XII. of the republic. Romanus was not more fortu-
 A. D. 1071, nate in domestic than in foreign war: the loss of
 August. two battles compelled him to yield, on the
 assurance of fair and honourable treatment; but
 his enemies were devoid of faith or humanity;
 and, after the cruel extinction of his fight, his
 wounds were left to bleed and corrupt, till in a
 few days he was relieved from a state of misery.
 Under the triple reign of the house of Ducas,
 the two younger brothers were reduced to the
 vain honours of the purple; but the eldest, the
 pusillanimous Michael, was incapable of sustain-
 ing the Roman sceptre; and his surname of *Para-*
pinaces denotes the reproach which he shared with
 an avaricious favourite, who enhanced the price,
 and diminished the measure, of wheat. In the
 school of Psellus, and after the example of his
 mother, the son of Eudocia made some profi-
 ciency in philosophy and rhetoric; but his cha-
 racter was degraded, rather than ennobled, by
 the virtues of a monk and the learning of a
 sophist. Strong in the contempt of their sovereign
 and their own esteem, two generals, at the head
 of the European and Asiatic legions, assumed the
 purple at Adrianople and Nice. Their revolt
 was in the same month; they bore the same

name of Nicephorus ; but the two candidates were distinguished by the surnames of Bryennius and Botaniates ; the former in the maturity of wisdom and courage , the latter conspicuous only by the memory of his past exploits. While Botaniates advanced with cautious and dilatory steps, his active competitor stood in arms before the gates of Constantinople. The name of Bryennius was illustrious ; his cause was popular ; but his licentious troops could not be restrained from burning and pillaging a suburb ; and the people, who would have hailed the rebel, rejected and repulsed the incendiary of his country. This change of the public opinion was favourable to Botaniates , who at length, with an army of Turks, approached the shores of Chalcedon. A formal invitation, in the name of the patriarch, the synod, and the senate, was circulated through the streets of Constantinople ; and the general assembly , in the dome of St. Sophia , debated, with order and calmness, on the choice of their sovereign. The guards of Michael would have dispersed this unarmed multitude ; but the feeble emperor , applauding his own moderation and clemency , resigned the ensigns of royalty , and was rewarded with the monastic habit, and the title of archbishop of Ephesus. He left a son, a Constantine , born and educated in the purple ; and a daughter of the house of Ducas illustrated the blood, and confirmed the succession, of the Comnenian dynasty.

John Comnenus, the brother of the emperor

C H A P.
XLVIII.
Nicepho-
rus III.
Botaniates,
A. D. 1078,
March 25.

Isaac, survived in peace and dignity his generous refusal of the sceptre. By his wife Anne, a woman of masculine spirit and policy, he left eight children: the three daughters multiplied the Comnenian alliances with the noblest of the Greeks: of the five sons, Manuel was stopped by a premature death; Isaac and Alexius restored the Imperial greatness of their house, which was enjoyed without toil or danger, by the two younger brethren, Adrian and Nicephorus. Alexius, the third and most illustrious of the brothers, was endowed by nature with the choicest gifts both of mind and body: they were cultivated by a liberal education, and exercised in the school of obedience and adversity. The youth was dismissed from the perils of the Turkish war, by the paternal care of the emperor Romanus; but the mother of the Comneni, with her aspiring race, was accused of treason, and banished, by the sons of Ducas, to an island in the Propontis. The two brothers soon emerged into favour and action, fought by each other's side against the rebels and Barbarians, and adhered to the emperor Michael, till he was deserted by the world and by himself. In his first interview with Botaniates, "Prince," said Alexius, with a noble frankness, "my duty rendered me your enemy; the decrees of God and of the people have made me your subject. Judge of my future loyalty, by my past opposition." The successor of Michael entertained him with esteem and confidence: his valour was employed against three rebels, who disturbed the peace of the em-

pire, or at least of the emperors. Ursel, Bryennius, and Basilacius, were formidable by their numerous forces and military fame: they were successively vanquished in the field, and led in chains to the foot of the throne; and whatever treatment they might receive from a timid and cruel court, they applauded the clemency, as well as the courage, of their conqueror. But the loyalty of the Comneni was soon tainted by fear and suspicion; nor is it easy to settle between a subject and a despot, the debt of gratitude, which the former is tempted to claim by a revolt, and the latter to discharge by an executioner. The refusal of Alexius to march against a fourth rebel, the husband of his sister, destroyed the merit or memory of his past services: the favourites of Botaniates provoked the ambition which they apprehended and accused; and the retreat of the two brothers might be justified by the defence of their life or liberty. The women of the family were deposited in a sanctuary, respected by tyrants: the men, mounted on horseback, sallied from the city, and erected the standard of civil war. The soldiers, who had been gradually assembled in the capital and the neighbourhood, were devoted to the cause of a victorious and injured leader: the ties of common interest and domestic alliance secured the attachment of the house of Ducas; and the generous dispute of the Comneni was terminated by the decisive resolution of Isaac, who was the first to invest his younger brother with the name and ensigns of royalty. They returned to Constanti-

C H A P.
XLVIII.

nople, to threaten rather than besiege that impregnable fortrefs; but the fidelity of the guards was corrupted; a gate was surpris'd; and the fleet was occupied by the active courage of George Palæologus, who fought against his father, without foreseeing that he laboured for his posterity. Alexius ascended the throne; and his aged competitor disappeared in a monastery. An army of various nations was gratified with the pillage of the city; but the public disorders were expiated by the tears and fasts of the Comneni, who submitted to every penance compatible with the possession of the empire.

Alexius I.
Comnenus,
A. D. 1081,
April.

The life of the emperor Alexius has been delineated by a favourite daughter, who was inspired by a tender regard for his person and a laudable zeal to perpetuate his virtues. Conscious of the just suspicion of her readers, the princess Anne Comnena repeatedly protests, that, besides her personal knowledge, she had searched the discourse and writings of the most respectable veterans: that after an interval of thirty years, forgotten by, and forgetful of, the world, her mournful solitude was inaccessible to hope and fear; and that truth, the naked perfect truth, was more dear and sacred than the memory of her parent. Yet instead of the simplicity of style and narrative which wins our belief, an elaborate affectation of rhetoric and science, betrays in every page the vanity of a female author. The genuine character of Alexius is lost in a vague constellation of virtues; and the perpetual strain of pane-

gyric and apology, awakens our jealousy, to question the veracity of the historian and the merit of the hero. We cannot however refuse her judicious and important remark, that the disorders of the times were the misfortune and the glory of Alexius; and that every calamity which can afflict a declining empire was accumulated on his reign by the justice of Heaven and the vices of his predecessors. In the East, the victorious Turks had spread, from Persia to the Hellespont, the reign of the Koran and the Crescent: the West was invaded by the adventurous valour of the Normans; and, in the moments of peace, the Danube poured forth new swarms, who had gained, in the science of war, what they had lost in the ferociousness of manners. The sea was not less hostile than the land; and while the frontiers were assaulted by an open enemy, the palace was distracted with secret treason and conspiracy. On a sudden, the banner of the Cross was displayed by the Latins: Europe was precipitated on Asia; and Constantinople had almost been swept away by this impetuous deluge. In the tempest Alexius steered the Imperial vessel with dexterity and courage. At the head of his armies, he was bold in action, skilful in stratagem, patient of fatigue, ready to improve his advantages, and rising from his defeats with inexhaustible vigour. The discipline of the camp was revived, and a new generation of men and soldiers was created by the example and the precepts of their leader. In his intercourse

C H A P. XLVIII. with the Latins, Alexius was patient and artful: his discerning eye pervaded the new system of an unknown world; and I shall hereafter describe the superior policy with which he balanced the interests and passions of the champions of the first crusade. In a long reign of thirty-seven years, he subdued and pardoned the envy of his equals: the laws of public and private order were restored: the arts of wealth and science were cultivated: the limits of the empire were enlarged in Europe and Asia; and the Comnenian sceptre was transmitted to his children of the third and fourth generation. Yet the difficulties of the times betrayed some defects in his character; and have exposed his memory to some just or ungenerous reproach. The reader may possibly smile at the lavish praise which his daughter so often bestows on a flying hero: the weakness or prudence of his situation might be mistaken for a want of personal courage; and his political arts are branded by the Latins with the names of deceit and dissimulation. The increase of the male and female branches of his family adorned the throne and secured the succession; but their princely luxury and pride offended the patricians, exhausted the revenue, and insulted the misery of the people. Anna is a faithful witness that his happiness was destroyed, and his health was broken, by the cares of a public life: the patience of Constantinople was fatigued by the length and severity of his reign; and before Alexius expired, he had lost the love and reverence of his subjects. The

clergy could not forgive his application of the sacred riches to the defence of the state; but they applauded his theological learning and ardent zeal for the orthodox faith, which he defended with his tongue, his pen, and his sword. His character was degraded by the superstition of the Greeks; and the same inconsistent principle of human nature enjoined the emperor to found an hospital for the poor and infirm, and to direct the execution of an heretic, who was burnt alive in the square of St. Sophia. Even the sincerity of his moral and religious virtues was suspected by the persons who had passed their lives in his familiar confidence. In his last hours, when he was pressed by his wife Irene to alter the succession, he raised his head, and breathed a pious ejaculation on the vanity of this world. The indignant reply of the empress may be inscribed as an epitaph on his tomb, "You die, as you have lived — AN HYPOCRITE!"

C H A P.
XLVIII.

It was the wish of Irene to supplant the eldest of her surviving sons, in favour of her daughter the princess Anne, whose philosophy would not have refused the weight of a diadem. But the order of male succession was asserted by the friends of their country; the lawful heir drew the royal signet from the finger of his insensible or conscious father, and the empire obeyed the master of the palace. Anna Comnena was stimulated by ambition and revenge to conspire against the life of her brother, and when the design was prevented by the fears or scruples of her husband, she passionately

John, or Calo-Johannes,
A. D. 1118,
August 15.

C H A P. XLVIII. exclaimed, that nature had mistaken the two sexes, and had endowed Bryennius with the soul of a woman. The two sons of Alexius, John and Isaac, maintained the fraternal concord, the hereditary virtue of their race; and the younger brother was content with the title of *Sebastocrator*, which approached the dignity, without sharing the power, of the emperor. In the same person, the claims of primogeniture and merit were fortunately united; his swarthy complexion, harsh features, and diminutive stature, had suggested the ironical surname of Calo-Johannes, or John the Handsome, which his grateful subjects more seriously applied to the beauties of his mind. After the discovery of her treason, the life and fortune of Anne were justly forfeited to the laws. Her life was spared by the clemency of the emperor, but he visited the pomp and treasures of her palace, and bestowed the rich confiscation on the most deserving of his friends. That respectable friend, Axuch, a slave of Turkish extraction, presumed to decline the gift, and to intercede for the criminal: his generous master applauded and imitated the virtue of his favourite, and the reproach or complaint of an injured brother was the only chastisement of the guilty princess. After this example of clemency, the remainder of his reign was never disturbed by conspiracy or rebellion: feared by his nobles, beloved by his people, John was never reduced to the painful necessity of punishing, or even of pardoning, his personal enemies. During his government of twenty-five years, the penalty of death was abo-

lished in the Roman empire, a law of mercy most delightful to the humane theorist, but of which the practice, in a large and vicious community, is seldom consistent with the public safety. Severe to himself, indulgent to others, chaste, frugal, abstemious, the philosophic Marcus would not have disdained the artless virtues of his successor, derived from his heart, and not borrowed from the schools. He despised and moderated the stately magnificence of the Byzantine court, so oppressive to the people, so contemptible to the eye of reason. Under such a prince, innocence had nothing to fear, and merit had every thing to hope; and without assuming the tyrannic office of a censor, he introduced a gradual though visible reformation in the public and private manners of Constantinople. The only defect of this accomplished character, was the frailty of noble minds, the love of arms and military glory. Yet the frequent expeditions of John the Handsome may be justified, at least in their principle, by the necessity of repelling the Turks from the Hellespont and the Bosphorus. The sultan of Iconium was confined to his capital, the Barbarians were driven to the mountains, and the maritime provinces of Asia enjoyed the transient blessings of their deliverance. From Constantinople to Antioch and Aleppo, he repeatedly marched at the head of a victorious army, and in the sieges and battles of this holy war, his Latin allies were astonished by the superior spirit and prowess of a Greek. As he began to indulge the ambitious hope of restoring the ancient limits

C H A P. of the empire, as he revolved in his mind, the
 XLVIII. Euphrates and Tigris, the dominion of Syria, and
 the conquest of Jerusalem, the thread of his life
 and of the public felicity was broken by a singular
 accident. He hunted the wild boar in the valley
 of Anazarbus, and had fixed his javelin in the
 body of the furious animal: but in the struggle,
 a poisoned arrow dropt from his quiver, and a
 slight wound in his hand, which produced a
 mortification, was fatal to the best and greatest of
 the Comnenian princes.

Manuel,
 A. D. 1143,
 April 8.

A premature death had swept away the two
 eldest sons of John the Handsome; of the two
 survivors, Isaac and Manuel, his judgment or
 affection preferred the younger; and the choice of
 their dying prince was ratified by the soldiers who
 had applauded the valour of his favourite in the
 Turkish war. The faithful Axuch hastened to the
 capital, secured the person of Isaac in honourable
 confinement, and purchased with a gift of two
 hundred pounds of silver, the leading ecclesiastics
 of St. Sophia, who possessed a decisive voice in
 the consecration of an emperor. With his veteran
 and affectionate troops, Manuel soon visited Con-
 stantinople; his brother acquiesced in the title of
 Sebastocrator; his subjects admired the lofty stature
 and martial graces of their new sovereign, and
 listened with credulity to the flattering promise,
 that he blended the wisdom of age with the activity
 and vigour of youth. By the experience of his
 government; they were taught, that he emulated
 the spirit, and shared the talents, of his father,
 whose

whose social virtues were buried in the grave. A reign of thirty-seven years is filled by a perpetual though various warfare against the Turks, the Christians, and the hords of the wilderness beyond the Danube. The arms of Manuel were exercised on mount Taurus, in the plains of Hungary, on the coast of Italy and Egypt, and on the seas of Sicily and Greece: the influence of his negociations extended from Jerusalem to Rome and Russia; and the Byzantine monarchy, for a while, became an object of respect or terror to the powers of Asia and Europe. Educated in the silk and purple of the East, Manuel possessed the iron temper of a soldier, which cannot easily be paralleled, except in the lives of Richard the first of England, and of Charles the twelfth of Sweden. Such was his strength and exercise in arms, that Raymond, surnamed the Hercules of Antioch, was incapable of wielding the lance and buckler of the Greek emperor. In a famous tournament, he entered the lists on a fiery courser, and overturned in his first career two of the stoutest of the Italian knights. The first in the charge, the last in the retreat, his friends and his enemies alike trembled, the former for *his* safety, and the latter for their own. After posting an ambuscade in a wood, he rode forwards in search of some perilous adventure, accompanied only by his brother and the faithful Axuch, who refused to desert their sovereign. Eighteen horsemen, after a short combat, fled before them: but the numbers of the enemy encreased; the march of the reinforcement was tardy and fearful,

CHAP. and Manuel, without receiving a wound, cut
 XLVIII. his way through a squadron of five hundred Turks. In a battle against the Hungarians, impatient of the slowness of his troops, he snatched a standard from the head of the column, and was the first, almost alone, who passed a bridge that separated him from the enemy. In the same country, after transporting his army beyond the Save, he sent back the boats, with an order, under pain of death, to their commander, that he should leave him to conquer or die on that hostile land. In the siege of Corfu, towing after him a captive galley, the emperor stood aloft on the poop, opposing against the volleys of darts and stones, a large buckler and a flowing sail, nor could he have escaped inevitable death, had not the Sicilian admiral enjoined his archers to respect the person of an hero. In one day, he is said to have slain above forty of the Barbarians with his own hand; he returned to the camp, dragging along four Turkish prisoners, whom he had tied to the rings of his saddle: he was ever the foremost to provoke or to accept a single combat; and the *gigantic* champions, who encountered his arm, were transpierced by the lance, or cut afunder by the sword, of the invincible Manuel. The story of his exploits, which appear as a model or a copy of the romances of chivalry, may induce a reasonable suspicion of the veracity of the Greeks: I will not, to vindicate their credit, endanger my own; yet I may observe, that in the long series of their annals, Manuel is the only

prince who has been the subject of similar exaggeration. With the valour of a foldier, he did not unite the skill or prudence of a general: his victories were not productive of any permanent or useful conquest; and his Turkish laurels were blasted in his last unfortunate campaign, in which he lost his army in the mountains of Pisidia, and owed his deliverance to the generosity of the sultan. But the most singular feature in the character of Manuel, is the contrast and vicissitude of labour and sloth, of hardiness and effeminacy. In war he seemed ignorant of peace, in peace he appeared incapable of war. In the field he slept in the sun or in the snow, tired in the longest marches the strength of his men and horses, and shared with a smile the abstinence or diet of the camp. No sooner did he return to Constantinople, than he resigned himself to the arts and pleasures of a life of luxury: the expence of his dress, his table, and his palace, surpassed the measure of his predecessors, and whole summer days were idly wasted in the delicious isles of the Propontis, in the incestuous love of his niece Theodora. The double cost of a warlike and dissolute prince, exhausted the revenue, and multiplied the taxes; and Manuel, in the distress of his last Turkish camp, endured a bitter reproach from the mouth of a desperate foldier. As he quenched his thirst, he complained that the water of a fountain was mingled with Christian blood. "It is not the first time," exclaimed a voice from the crowd, "that you have drank, O emperor! the blood

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“ of your Christian subjects.” Manuel Comnenus was twice married, to the virtuous Bertha or Irene of Germany, and to the beauteous Maria, a French or Latin princess of Antioch. The only daughter of his first wife was destined for Bela an Hungarian prince, who was educated at Constantinople under the name of Alexius: and the consummation of their nuptials might have transferred the Roman sceptre to a race of free and warlike Barbarians. But as soon as Maria of Antioch had given a son and heir to the empire, the presumptive rights of Bela were abolished, and he was deprived of his promised bride; but the Hungarian prince resumed his name and the kingdom of his fathers, and displayed such virtues as might excite the regret and envy of the Greeks. The son of Maria was named Alexius; and at the age of ten years, he ascended the Byzantine throne, after his father's decease had closed the glories of the Comnenian line.

Alexius II.
A. D. 1180.
Sept. 24.
Character
and first ad-
ventures of
Andronicus.

The fraternal concord of the two sons of the great Alexius, had been sometimes clouded by an opposition of interest and passion. By ambition, Isaac the Sebastocrator was excited to flight and rebellion, from whence he was reclaimed by the firmness and clemency of John the Handsome. The errors of Isaac, the father of the emperors of Trebizond, were short and venial; but John, the elder of his sons, renounced for ever his religion. Provoked by a real or imaginary insult of his uncle, he escaped from the Roman to the Turkish camp: his apostacy was rewarded with

the Sultan's daughter, the title of Chelebi, or noble, and the inheritance of a princely estate; and in the fifteenth century, Mahomet the second boasted of his Imperial descent from the Comnenian family. Andronicus, younger brother of John, son of Isaac, and grandson of Alexius Comnenus, is one of the most conspicuous characters of the age; and his genuine adventures might form the subject of a very singular romance. To justify the choice of three ladies of royal birth, it is incumbent on me to observe, that their fortunate lover was cast in the best proportions of strength and beauty; and that the want of the softer graces was supplied by a manly countenance, a lofty stature, athletic muscles, and the air and deportment of a soldier. The preservation, in his old age, of health and vigour, was the reward of temperance and exercise. A piece of bread and a draught of water was often his sole and evening repast; and if he tasted of a wild boar, or a stag, which he had roasted with his own hands, it was the well-earned fruit of a laborious chase. Dextrous in arms, he was ignorant of fear: his persuasive eloquence could bend to every situation and character of life: his style, though not his practice, was fashioned by the example of St. Paul; and, in every deed of mischief, he had a heart to resolve, a head to contrive, and a hand to execute. In his youth, after the death of the emperor John, he followed the retreat of the Roman army; but, in the march through Asia Minor, design or accident tempted him to wander

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in the mountains; the hunter was encompassed by the Turkish hunters, and he remained some time a reluctant or willing captive in the power of the sultan. His virtues and vices recommended him to the favour of his cousin: he shared the perils and the pleasures of Manuel; and while the emperor lived in public incest with his niece Theodora, the affections of her sister Eudocia were seduced and enjoyed by Andronicus. Above the decencies of her sex and rank, she gloried in the name of his concubine; and both the palace and the camp could witness that she slept, or watched, in the arms of her lover. She accompanied him to his military command of Cilicia, the first scene of his valour and imprudence. He pressed, with active ardour, the siege of Mopsuestia: the day was employed in the boldest attacks; but the night was wasted in song and dance; and a band of Greek comedians formed the choicest part of his retinue. Andronicus was surprised by the fall of a vigilant foe; but, while his troops fled in disorder, his invincible lance transpierced the thickest ranks of the Armenians. On his return to the Imperial camp in Macedonia, he was received by Manuel with public smiles and a private reproof; but the duchies of Naissus, Braniseba, and Castoria, were the reward or consolation of the unsuccessful general. Eudocia still attended his motions: at midnight, their tent was suddenly attacked by her angry brothers, impatient to expiate her infamy in his blood: his daring spirit refused her

advice, and the disguise of a female habit; and boldly starting from his couch, he drew his sword, and cut his way through the numerous assassins. It was here that he first betrayed his ingratitude and treachery: he engaged in a treasonable correspondence with the king of Hungary and the German emperor: approached the royal tent at a suspicious hour, with a drawn sword, and, under the mask of a Latin soldier, avowed an intention of revenge against a mortal foe; and imprudently praised the fleetness of his horse, as an instrument of flight and safety. The monarch dissembled his suspicions; but, after the close of the campaign, Andronicus was arrested and strictly confined in a tower of the palace of Constantinople.

In this prison he was left above twelve years; a most painful restraint, from which the thirst of action and pleasure perpetually urged him to escape. Alone and pensive, he perceived some broken bricks in a corner of the chamber, and gradually widened the passage, till he had explored a dark and forgotten recess. Into this hole he conveyed himself, and the remains of his provisions, replacing the bricks in their former position, and erasing with care the footsteps of his retreat. At the hour of the customary visit, his guards were amazed by the silence and solitude of the prison, and reported, with shame and fear, his incomprehensible flight. The gates of the palace and city were instantly shut: the strictest orders were dispatched into the provinces

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for the recovery of the fugitive; and his wife, on the suspicion of a pious act, was basely imprisoned in the same tower. At the dead of night, she beheld a spectre: she recognized her husband: they shared their provisions; and a son was the fruit of these stolen interviews, which alleviated the tediousness of their confinement. In the custody of a woman, the vigilance of the keepers was insensibly relaxed; and the captive had accomplished his real escape, when he was discovered, brought back to Constantinople, and loaded with a double chain. At length he found the moment, and the means, of his deliverance. A boy, his domestic servant, intoxicated the guards, and obtained in wax the impression of the keys. By the diligence of his friends, a similar key, with a bundle of ropes, was introduced into the prison, in the bottom of a hoghead. Andronicus employed, with industry and courage the instruments of his safety, unlocked the doors, descended from the tower, concealed himself all day among the bushes, and scaled in the night the garden-wall of the palace. A boat was stationed for his reception: he visited his own house, embraced his children, cast away his chain, mounted a fleet horse, and directed his rapid course towards the banks of the Danube. At Anchialus in Thrace, an intrepid friend supplied him with horses and money: he passed the river, traversed with speed the desert of Moldavia and the Carpathian hills, and had almost reached the town of Halicz, in the Polish Russia, when he was intercepted by

a party of Walachians, who resolved to convey their important captive to Constantinople. His presence of mind again extricated him from this danger. Under the pretence of sickness, he dismounted in the night, and was allowed to step aside from the troop: he planted in the ground his long staff; clothed it with his cap and upper garment; and, stealing into the wood, left a phantom to amuse, for some time, the eyes of the Walachians. From Halicz he was honourably conducted to Kiow, the residence of the great duke: the subtle Greek soon obtained the esteem and confidence of Ieroslaus: his character could assume the manners of every climate; and the Barbarians applauded his strength and courage in the chase of the elks and bears of the forest. In this northern region he deserved the forgiveness of Manuel, who solicited the Russian prince to join his arms in the invasion of Hungary. The influence of Andronicus atchieved this important service: his private treaty was signed with a promise of fidelity on one side, and oblivion on the other; and he marched at the head of the Russian cavalry, from the Borysthenes to the Danube. In his resentment Manuel had ever sympathised with the martial and dissolute character of his cousin; and his free pardon was sealed in the assault of Zemlin, in which he was second, and second only, to the valour of the emperor.

No sooner was the exile restored to freedom and his country, than his ambition revived, at

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first to his own, and at length to the public, misfortune. A daughter of Manuel was a feeble bar to the succession of the more deserving males of the Comnenian blood: her future marriage with the prince of Hungary was repugnant to the hopes or prejudices of the princes and nobles. But when an oath of allegiance was required to the presumptive heir, Andronicus alone asserted the honour of the Roman name, declined the unlawful engagement, and boldly protested against the adoption of a stranger. His patriotism was offensive to the emperor, but he spoke the sentiments of the people, and was removed from the royal presence, by an honourable banishment, a second command of the Cilician frontier, with the absolute disposal of the revenues of Cyprus. In this station, the Armenians again exercised his courage and exposed his negligence; and the same rebel, who baffled all his operations, was unhorsed, and almost slain by the vigour of his lance. But Andronicus soon discovered a more easy and pleasing conquest, the beautiful Philippa, sister of the empress Maria, and daughter of Raymond of Poitou, the Latin prince of Antioch. For her sake, he deserted his station, and wasted the summer in balls and tournaments: to his love she sacrificed her innocence, her reputation, and the offer of an advantageous marriage. But the resentment of Manuel for this domestic affront, interrupted his pleasures: Andronicus left the indiscreet princess to weep and to repent; and, with a band of desperate adven-

turers, undertook the pilgrimage of Jerusalem. His birth, his martial renown, and professions of zeal, announced him as the champion of the cross: he soon captivated both the clergy and the king; and the Greek prince was invested with the lordship of Berytus, on the coast of Phœnicia. In his neighbourhood resided a young and handsome queen, of his own nation and family, great-grand-daughter of the emperor Alexis, and widow of Baldwin the third, king of Jerusalem. She visited and loved her kinsman. Theodora was the third victim of his amorous seduction; and her shame was more public and scandalous than that of her predecessors. The emperor still thirsted for revenge; and his subjects and allies of the Syrian frontier, were repeatedly pressed to seize the person, and put out the eyes, of the fugitive. In Palestine he was no longer safe; but the tender Theodora revealed his danger and accompanied his flight. The queen of Jerusalem was exposed to the East, his obsequious concubine; and two illegitimate children were the living monuments of her weakness. Damascus was his first refuge; and in the characters of the great Nouredin and his servant Saladin, the superstitious Greek might learn to revere the virtues of the Musulmans. As the friend of Nouredin he visited, most probably, Bagdad, and the courts of Persia; and, after a long circuit round the Caspian sea and the mountains of Georgia, he finally settled among the Turks of Asia Minor, the hereditary enemies of

CHAP. XLVIII. his country. The sultan of Colonia afforded an hospitable retreat to Andronicus, his mistress, and his band of outlaws: the debt of gratitude was paid by frequent inroads in the Roman province of Trebizond; and he seldom returned without an ample harvest of spoil and of Christian captives. In the story of his adventures, he was fond of comparing himself to David, who escaped, by a long exile, the snares of the wicked. But the royal prophet (he presumed to add) was content to lurk on the borders of Judæa, to slay an Amalekite, and to threaten, in his miserable state, the life of the avaricious Nabal. The excursions of the Comnenian prince had a wider range; and he had spread over the Eastern world the glory of his name and religion. By a sentence of the Greek church, the licentious rover had been separated from the faithful; but even this excommunication may prove, that he never abjured the profession of Christianity.

His vigilance had eluded or repelled the open and secret persecution of the emperor; but he was at length ensnared by the captivity of his female companion. The governor of Trebizond succeeded in his attempt to surprise the person of Theodora: the queen of Jerusalem and her two children were sent to Constantinople, and their loss embittered the tedious solitude of banishment. The fugitive implored and obtained a final pardon, with leave to throw himself at the feet of his sovereign, who was satisfied with the

submission of this haughty spirit. Prostrate on the ground, he deplored with tears and groans the guilt of his past rebellion; nor would he presume to arise unless some faithful subject would drag him to the foot of the throne, by an iron chain with which he had secretly encircled his neck. This extraordinary penance excited the wonder and pity of the assembly; his sins were forgiven by the church and state; but the just suspicion of Manuel fixed his residence at a distance from the court, at Oenoe, a town of Pontus, surrounded with rich vineyards, and situate on the coast of the Euxine. The death of Manuel, and the disorders of the minority, soon opened the fairest field to his ambition. The emperor was a boy of twelve or fourteen years of age, without vigour, or wisdom, or experience: his mother, the empress Mary, abandoned her person and government to a favourite of the Comnenian name; and his sister, another Mary, whose husband, an Italian, was decorated with the title of Cæsar, excited a conspiracy, and at length an insurrection, against her odious stepmother. The provinces were forgotten, the capital was in flames, and a century of peace and order was overthrown in the vice and weakness of a few months. A civil war was kindled in Constantinople; the two factions fought a bloody battle in the square of the palace, and the rebels sustained a regular siege in the cathedral of St. Sophia. The patriarch laboured with honest zeal to heal the wounds of the republic the most respectable

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patriots called aloud for a guardian and avenger, and every tongue repeated the praise of the talents and even the virtues of Andronicus. In his retirement, he affected to revolve the solemn duties of his oath: "If the safety or honour of the Imperial family be threatened, I will reveal and oppose the mischief to the utmost of my power." His correspondence with the patriarch and patricians, was seasoned with apt quotations from the psalms of David and the epistles of St. Paul; and he patiently waited till he was called to her deliverance by the voice of his country. In his march from Oenoe to Constantinople, his slender train insensibly swelled to a crowd and an army; his professions of religion and loyalty were mistaken for the language of his heart; and the simplicity of a foreign dress, which shewed to advantage his majestic stature, displayed a lively image of his poverty and exile. All opposition sunk before him; he reached the straits of the Thracian Bosphorus; the Byzantine navy failed from the harbour to receive and transport the saviour of the empire: the torrent was loud and irresistible, and the insects who had basked in the sunshine of royal favour disappeared at the blast of the storm. It was the first care of Andronicus to occupy the palace, to salute the emperor, to confine his mother, to punish her minister, and to restore the public order and tranquillity. He then visited the sepulchre of Manuel: the spectators were ordered to stand aloof, but as he bowed in the attitude of prayer, they heard, or

thought they heard, a murmur of triumph and revenge. " I no longer fear thee, my old enemy, who hast driven me a vagabond to every climate of the earth. Thou art safely deposited under a sevenfold dome, from whence thou canst never arise till the signal of the last trumpet. It is now my turn, and speedily will I trample on thy ashes and thy posterity. " From his subsequent tyranny we may impute such feelings to the man, and the moment: but it is not extremely probable that he gave an articulate sound to his secret thoughts. In the first months of his administration, his designs were veiled by a fair semblance of hypocrisy, which could delude only the eyes of the multitude: the coronation of Alexius was performed with due solemnity, and his perfidious guardian, holding in his hands the body and blood of Christ, most fervently declared, that he lived, and was ready to die, for the service of his beloved pupil. But his numerous adherents were instructed to maintain, that the sinking empire must perish in the hands of a child, that the Romans could only be saved by a veteran prince, bold in arms, skilful in policy, and taught to reign by the long experience of fortune and mankind; and that it was the duty of every citizen to force the reluctant modesty of Andronicus to undertake the burthen of the public care. The young emperor was himself constrained to join his voice to the general acclamation, and to solicit the association of a colleague, who instantly degraded him from the supreme rank, secluded his

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person, and verified the rash declaration of the patriarch, that Alexius might be considered as dead, so soon as he was committed to the custody of his guardian. But his death was preceded by the imprisonment and execution of his mother. After blackening her reputation, and inflaming against her the passions of the multitude, the tyrant accused and tried the empress for a treasonable correspondence with the king of Hungary. His own son, a youth of honour and humanity, avowed his abhorrence of this flagitious act, and three of the judges had the merit of preferring their conscience to their safety: but the obsequious tribunal, without requiring any proof, or hearing any defence, condemned the widow of Manuel; and her unfortunate son subscribed the sentence of her death. Maria was strangled, her corpse was buried in the sea, and her memory was wounded by the insult most offensive to female vanity, a false and ugly representation of her beauteous form. The fate of her son was not long deferred: he was strangled with a bowstring, and the tyrant, insensible to pity or remorse, after surveying the body of the innocent youth, struck it rudely with his foot: "Thy father," he cried, "was a *knave*, thy mother a *whore*, and thyself a *fool*!"

Andronicus I.
Comnenus,
A. D. 1183,
October.

The Roman sceptre, the reward of his crimes, was held by Andronicus about three years and a half as the guardian or sovereign of the empire. His government exhibited a singular contrast of vice and virtue. When he listened to his passions, he

he was the scourge; when he consulted his reason, the father, of his people. In the exercise of private justice, he was equitable and rigorous: a shameful and pernicious venality was abolished, and the offices were filled with the most deserving candidates by a prince who had sense to chuse, and severity to punish. He prohibited the inhuman practice of pillaging the goods and persons of shipwrecked mariners; the provinces, so long the objects of oppression or neglect, revived in prosperity and plenty; and millions applauded the distant blessings of his reign, while he was cursed by the witnesses of his daily cruelties. That ancient proverb, That blood-thirsty is the man who returns from banishment to power, had been applied with too much truth to Marius and Tiberius; and was now verified for the third time in the life of Andronicus. His memory was stored with a black list of the enemies and rivals, who had traduced his merit, opposed his greatness, or insulted his misfortunes; and the only comfort of his exile was the sacred hope and promise of revenge. The necessary extinction of the young emperor and his mother, imposed the fatal obligation of extirpating the friends, who hated, and might punish, the assassin; and the repetition of murder rendered him less willing, and less able, to forgive. An horrid narrative of the victims whom he sacrificed by poison or the sword, by the sea or the flames, would be less expressive of his cruelty than the appellation of the Halcyon-days, which was applied to a rare and bloodless

C H A P. week of repose: the tyrant strove to transfer, on
 XLVIII. the laws and the judges, some portion of his
 guilt; but the mask was fallen, and his subjects
 could no longer mistake the true author of their
 calamities. The noblest of the Greeks, more
 especially those who, by descent or alliance,
 might dispute the Comnenian inheritance, escaped
 from the monster's den: Nice or Prusa, Sicily or
 Cyprus, were their places of refuge; and as their
 flight was already criminal, they aggravated their
 offence by an open revolt, and the Imperial title.
 Yet Andronicus resisted the daggers and swords
 of his most formidable enemies: Nice and Prusa
 were reduced and chastised: the Sicilians were
 content with the sack of Thessalonica; and the
 distance of Cyprus was not more propitious to
 the rebel than to the tyrant. His throne was
 subverted by a rival without merit, and a people
 without arms. Isaac Angelus, a descendant in
 the female line from the great Alexius, was marked
 as a victim, by the prudence or superstition of
 the emperor. In a moment of despair, Angelus
 defended his life and liberty, slew the executioner,
 and fled to the church of St. Sophia. The sanc-
 tuary was insensibly filled with a curious and
 mournful crowd, who, in his fate, prognosticated
 their own. But their lamentations were soon turned
 to curses, and their curses to threats: they dared
 to ask, "Why do we fear? why do we obey?"
 "We are many, and he is one; our patience is
 "the only bond of our slavery." With the dawn
 of day the city burst into a general sedition, the

prisons were thrown open, the coldest and most servile were roused to the defence of their country, and Isaac, the second of the name, was raised from the sanctuary to the throne. Unconscious of his danger, the tyrant was absent; withdrawn from the toils of state, in the delicious islands of the Propontis. He had contracted an indecent marriage with Alice, or Agnes, daughter of Lewis the seventh, of France, and relict of the unfortunate Alexius; and his society, more suitable to his temper than to his age, was composed of a young wife and a favourite concubine. On the first alarm he rushed to Constantinople, impatient for the blood of the guilty; but he was astonished by the silence of the palace, the tumult of the city, and the general desertion of mankind. Andronicus proclaimed a free pardon to his subjects; they neither desired, nor would grant, forgiveness: he offered to resign the crown to his son Manuel; but the virtues of the son could not expiate his father's crimes. The sea was still open for his retreat; but the news of the revolution had flown along the coast: when fear had ceased, obedience was no more: the Imperial galley was pursued and taken by an armed brigantine; and the tyrant was dragged to the presence of Isaac Angelus, loaded with fetters, and a long chain round his neck. His eloquence, and the tears of his female companions, pleaded in vain for his life; but, instead of the decencies of a legal execution, the new monarch abandoned the criminal to the numerous sufferers, whom he had deprived of a father, an

C H A P. husband, or a friend. His teeth and hair, an eye
 XLVIII. and a hand, were torn from him, as a poor
 compensation for their loss; and a short respite
 was allowed, that he might feel the bitterness of
 death. Astride on a camel, without any danger
 of a rescue, he was carried through the city, and
 the basest of the populace rejoiced to trample on
 the fallen majesty of their prince. After a thousand
 blows and outrages, Andronicus was hung by the
 feet, between two pillars that supported the statues
 of a wolf and a sow; and every hand that could
 reach the public enemy, inflicted on his body
 some mark of ingenious or brutal cruelty, till two
 friendly or furious Italians, plunging their swords
 into his body, released him from all human punish-
 ment. In this long and painful agony, "Lord
 " have mercy upon me! and why will you bruise
 " a broken reed?" were the only words that
 escaped from his mouth. Our hatred for the
 tyrant is lost in pity for the man; nor can we
 blame his pusillanimous resignation, since a
 Greek Christian was no longer master of his
 life.

Isaac II.
 Angelus,
 A. D. 1185,
 Sept. 12.

I have been tempted to expiate on the extra-
 ordinary character and adventures of Andronicus;
 but I shall here terminate the series of the Greek
 emperors since the time of Heraclius. The branches
 that sprang from the Comnenian trunk had
 insensibly withered; and the male line was conti-
 nued only in the posterity of Andronicus himself,
 who, in the public confusion, usurped the sover-
 eignty of Trebizond, so obscure in history, and

so famous in romance. A private citizen of Philadelphia, Constantine Angelus, had emerged to wealth and honours, by his marriage with a daughter of the emperor Alexius. His son Andronicus is conspicuous only by his cowardice. His grandson Isaac punished and succeeded the tyrant; but he was dethroned by his own vices, and the ambition of his brother; and their discord introduced the Latins to the conquest of Constantinople, the first great period in the fall of the Eastern empire.

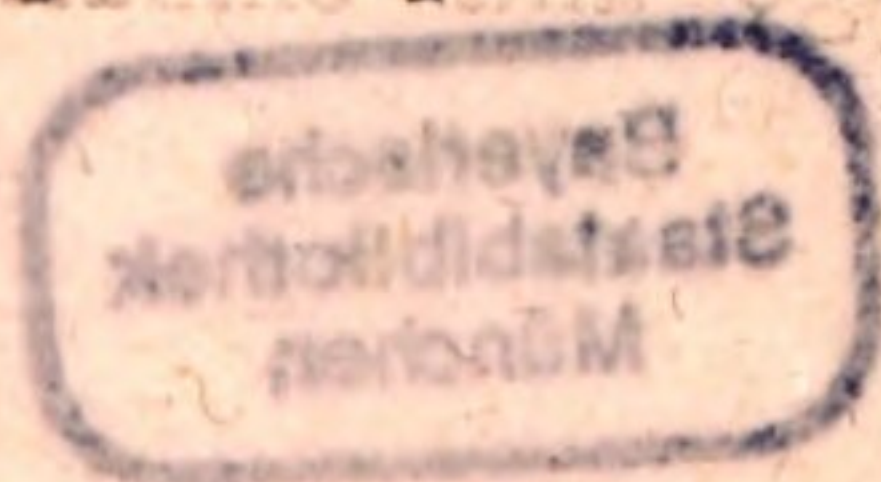
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A. D. 1204,
April 12.

If we compute the number and duration of the reigns, it will be found, that a period of six hundred years is filled by sixty emperors, including in the Augustan list some female sovereigns; and deducting some usurpers who were never acknowledged in the capital, and some princes who did not live to possess their inheritance. The average proportion will allow ten years for each emperor, far below the chronological rule of Sir Isaac Newton, who, from the experience of more recent and regular monarchies, has defined about eighteen or twenty years as the term of an ordinary reign. The Byzantine empire was most tranquil and prosperous when it could acquiesce in hereditary succession: five dynasties, the Heraclian, Isaurian, Amorian, Basilian, and Comnenian families enjoyed and transmitted the royal patrimony during their respective series, of five, four, three, six, and four generations; several princes number the years of their reign with those of their infancy; and Constantine the

C H A P. seventh and his two grandsons occupy the space
 XLVIII. of an entire century. But in the intervals of the
 Byzantine dynasties, the succession is rapid and
 broken, and the name of a successful candidate
 is speedily erased by a more fortunate compe-
 titor. Many were the paths that led to the
 summit of royalty: the fabric of rebellion was
 overthrown by the stroke of conspiracy, or un-
 dermined by the silent arts of intrigue: the
 favourites of the soldiers or people, of the senate
 or clergy, of the women and eunuchs, were
 alternately clothed with the purple: the means
 of their elevation were base, and their end was
 often contemptible or tragic. A being of the
 nature of man, endowed with the same faculties,
 but with a longer measure of existence, would
 cast down a smile of pity and contempt on the
 crimes and follies of human ambition, so eager,
 in a narrow span, to grasp at a precarious and
 short-lived enjoyment. It is thus that the ex-
 perience of history exalts and enlarges the horizon
 of our intellectual view. In a composition of
 some days, in a perusal of some hours, six hun-
 dred years have rolled away, and the duration
 of a life or reign is contracted to a fleeting mo-
 ment: the grave is ever beside the throne; the
 success of a criminal is almost instantly followed
 by the loss of his prize; and our immortal reason
 survives and disdains the fixty phantoms of kings
 who have passed before our eyes, and faintly
 dwell on our remembrance. The observation,
 that, in every age and climate, ambition has

prevailed with the same commanding energy, may abate the surprise of a philosopher; but while he condemns the vanity, he may search the motive, of this universal desire to obtain and hold the sceptre of dominion. To the greater part of the Byzantine series, we cannot reasonably ascribe the love of fame and of mankind. The virtue alone of John Comnenus was beneficent and pure: the most illustrious of the princes, who precede or follow that respectable name, have trod with some dexterity and vigour the crooked and bloody paths of a selfish policy: in scrutinizing the imperfect characters of Leo the Isaurian, Basil the first, and Alexius Comnenus, of Theophilus, the second Basil, and Manuel Comnenus, our esteem and censure are almost equally balanced; and the remainder of the Imperial crowd could only desire and expect to be forgotten by posterity. Was personal happiness the aim and object of their ambition? I shall not descant on the vulgar topics of the misery of kings; but I may surely observe, that their condition, of all others, is the most pregnant with fear, and the least susceptible of hope. For these opposite passions, a larger scope was allowed in the revolutions of antiquity, than in the smooth and solid temper of the modern world, which cannot easily repeat either the triumph of Alexander or the fall of Darius. But the peculiar infelicity of the Byzantine princes exposed them to domestic perils, without affording any lively promise of foreign conquest. From the pinnacle



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of greatness, Andronicus was precipitated by a death more cruel and shameful than that of the vilest malefactor; but the most glorious of his predecessors had much more to dread from their subjects than to hope from their enemies. The army was licentious without spirit, the nation turbulent without freedom: the Barbarians of the East and West pressed on the monarchy, and the loss of the provinces was terminated by the final servitude of the capital.

The entire series of Roman emperors, from the first of the Cæsars to the last of the Constantines, extends above fifteen hundred years: and the term of dominion, unbroken by foreign conquest, surpasses the measure of the ancient monarchies; the Assyrians or Medes, the successors of Cyrus, or those of Alexander.

END OF THE EIGHTH VOLUME.

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